

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CORE WIRELESS LICENSING)
S.A.R.L.) DOCKET NO. 6:12cv100

-vs-)
) Tyler, Texas
) 9:25 a.m.
APPLE INC.) March 9, 2015

TRANSCRIPT OF TRIAL - VOIR DIRE
MORNING SESSION
BEFORE THE HONORABLE RODNEY GILSTRAP,
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

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1 P R O C E E D I N G S

2 (Jury panel in.)

3 COURT SECURITY OFFICER: All rise.

4 THE COURT: Good morning. Please be seated.

5 Good morning, Ladies and Gentlemen. Thank you for
6 being here. My name is Rodney Gilstrap, and I'm one of the
7 United States District Judges here in the Eastern District of
8 Texas. I have responsibility in Marshall, Texarkana, and
9 Tyler.

10 My home is in Marshall. I've lived there since
11 1981. I practiced law in Marshall and Harrison County and
12 the adjoining areas for 30 years before I was appointed to
13 the bench. I've been on the bench as a United States Judge
14 since 2011.

15 I was born in Florida; but as they say, I got to
16 Texas as soon as I could.

17 Went to college and to law school at Baylor
18 University. I'm married, and I have two grown children. My
19 wife owns and operates a retail floral shop in Marshall.

20 Now, I tell you all those things, because in a few
21 minutes, I'm going to ask you to give the same type of
22 information to me about each of you. And I think you're
23 entitled to know as much about me as I'm about to find out
24 about each one of you.

25 We are about to engage in the selection of a jury

1 in a civil case involving patent infringement -- or
2 allegations of patent infringement.

3 However, before we go further, I'd like -- like to
4 briefly review with you how we came to have a jury trial
5 system with regard to civil cases.

6 If you look around the room and around the group
7 that's assembled here this morning, you'll see that it's a
8 diverse mixture of our East Texas community, and that's the
9 way it's intended to be. That's the way our system is
10 designed.

11 If you looked at the first five books of the Old
12 Testament, the Pentateuch, you'll find that the Hebrew nation
13 impaneled juries to decide issues of property value and
14 property ownership.

15 The Greeks began using a jury system as early as
16 1500 BC. The Romans adopted the jury system from the Greeks,
17 like they adopted most things from the Greeks. The Romans
18 brought the jury trial system to England in the 4th century
19 AD.

20 By the 12th century, 800 years later, jury trials
21 had been a part of the judicial system in England for eight
22 centuries.

23 But then in the 12th century came to the thrown of
24 England a tyrannical king named King John, who attempted to
25 do away with the right to trial by jury in England.

1 And that led to a confrontation between the king
2 and his nobles in a meadow at a place called Runnymede. And
3 from that confrontation, the king backed down, a document was
4 drafted. And you may have heard of it. It's called the
5 Magna Carta. And from that, the right to trial by jury was
6 restored in England.

7 As a matter of fact, 28 of our United States have
8 within their own state constitutions adopted the exact
9 language verbatim from the Magna Carta which provides for the
10 right to a trial by jury.

11 The concept, therefore, of jury trials was well
12 engrained in those British colonists who came to our shores
13 and founded our country both as a colony and later as our own
14 independent nation.

15 As a matter of fact, about that time, another
16 tyrannical king, King George, III, came to the throne of
17 England and tried to again restrict or limit or do away with
18 the right to trial by jury both there and particularly in the
19 colonies here in the United States.

20 Somebody by the name of Thomas Jefferson wrote a
21 document called the Declaration of Independence to tell the
22 king why the colonists felt they must separate from England
23 and form their own independent country.

24 One of the specific reasons Thomas Jefferson listed
25 in the Declaration of Independence mandating separation from

1 England was the restrictions and the attempt to limit and do
2 away with the right to trial by jury.

3 So as we go forward today, remember, we live in one
4 of the few countries in this world that provides and
5 guarantees the right to trial by jury, especially the right
6 to trial by jury in a civil case.

7 It is now incorporated into our Bill of Rights as a
8 part of our United States Constitution and the Seventh
9 Amendment, which provides and guarantees the right to a trial
10 by jury in a civil action such as this.

11 So, Ladies and Gentlemen, by being here this
12 morning, you are in a very real way doing your part to
13 preserve, protect, and defend the Constitution of the United
14 States. And that is no small thing.

15 I always tell jury panels when a jury is selected
16 like this morning, and I believe it more each time, that in
17 my opinion, jury service is the second highest form of public
18 service that any American citizen can perform.

19 In my opinion, the highest form of public service
20 are those young men and women who serve in our armed forces
21 and put their lives at risk to protect our liberties each
22 day.

23 In a few minutes, the lawyers are going to address
24 the panel, and they will ask various questions of you. I
25 want you to understand they will not be seeking to pry into

1 your personal affairs unduly. They are entitled to ask
2 questions for the purpose of securing a fair and an impartial
3 jury to hear this case.

4 I don't know if it will happen this morning. It
5 rarely does. But I want the members of the panel to be aware
6 that if you are asked a question that you believe is so
7 personal and private that you are uncomfortable answering it
8 in front of the rest of the members of the panel, then you
9 have the option to say simply in response to that question
10 you'd like to discuss it with Judge Gilstrap.

11 And if you do that, I'll provide an opportunity
12 where you can discuss it with me outside of the presence of
13 the other members of the panel.

14 However, as I say, that rarely comes up, but I do
15 want to let you know it is an option if that should occur.

16 The important thing, Ladies and Gentlemen, is, as
17 you respond to the lawyers' questions, that you give full,
18 complete, and truthful answers to the best of your ability.

19 If you do that, then there are no wrong answers to
20 the questions.

21 The trial in this case will begin later today after
22 we've selected the jury, and in all likelihood, after we've
23 had a break for lunch. Those of you that are selected to
24 serve on the jury, I want you to understand that I expect
25 that this trial will take all of this week and the first two

1 days of next week.

2 So that will be all of this week and Monday and
3 Tuesday of next week. That is my best estimation of how long
4 it will take to complete the trial.

5 Now, if there are any of you on the panel that
6 during that period of time, you either have a surgical
7 procedure scheduled, you have paid-for, non-refundable travel
8 tickets to somewhere that you can't get your money back, if
9 you have some serious reason why you could not be available
10 for the remainder of this week and the first two days of next
11 week, if you're selected to serve on the jury, would you
12 raise your hands and let me make a note of that.

13 All right, sir. And I believe you are No. 18?

14 JUROR ROBERTS: Yes, sir.

15 THE COURT: Okay. We don't need the mic right now,
16 Mr. Blanton. Thank you.

17 Other than No. 18 -- okay, No. 10. Thank you.

18 No. 10 and No. 18.

19 Anybody else that I've missed? Those two. Thank
20 you.

21 At this time, I'm going to call for announcements
22 in the case of Core Wireless Licensing S.a.r.l. versus Apple
23 Inc. This is Civil Action No. 6:12-CV-100.

24 And, Counsel, as you introduce yourselves and the
25 members of your trial team, please introduce any corporate

1 representatives that you have, as well. We'll start with the
2 Plaintiff. What says the Plaintiff?

3 MR. WARD: Johnny Ward, along with Denise De Mory,
4 Henry Bunsow, Brian Smith, and our corporate representative
5 John Lindgren, and the Plaintiff is ready.

6 THE COURT: Thank you, Your Honor -- thank you,
7 Mr. Ward.

8 What says the Defendant?

9 MR. ALBRITTON: Good morning, Your Honor. Eric
10 Albritton here on behalf of Apple. With me is Joe Mueller,
11 Ms. Cindy Vreeland, and Frank Casanova, who works at Apple
12 and will be our corporate representative at trial. And we're
13 ready to proceed.

14 THE COURT: Thank you, Mr. Albritton.

15 MR. ALBRITTON: Thank you, Your Honor.

16 THE COURT: Ladies and Gentlemen, as I've told you,
17 this is a patent case arising under the patent laws in the
18 United States -- United States.

19 What the Plaintiff is claiming in this case is that
20 its patents were infringed by the Defendant, and the
21 Plaintiff is seeking money damages because of that
22 infringement.

23 The Defendant denies that it infringes the
24 Plaintiff's patents and contends that those patents are
25 invalid.

1 Now, what I've just told you is a very informal way
2 of describing the case in layman's terms. I know that you've
3 all seen the patent film this morning, and you probably know
4 more now about patent cases than most -- than most people do
5 when they report for jury service.

6 In addition to the parties' disputes over the
7 Plaintiff's patents, both the Plaintiff, Core Wireless, and
8 the Defendant, Apple, accuse each other also of breaching
9 contractual obligations that arise from their membership in
10 or their commitments to the European Telecommunications
11 Standards Institute, which you'll often hear referred to
12 during this case as ETSI -- E-T-S-I.

13 Now, that -- that also is a part or a layman's
14 explanation of what we have before us in this case.

15 Again, I remind you, Ladies and Gentlemen, as long
16 as your responses to the questions, you'll be asked shortly,
17 are full, complete, and truthful, there are no wrong answers.

18 The lawyers are not trying to pry into your
19 personal affairs, but it is critical that the jury selected
20 in this case be fair and impartial to both sides.

21 Certainly if any of the lawyers ask a question of
22 the members of the panel this morning that I don't think is
23 proper, I will certainly let them know that; but I'm
24 confident that won't be a problem. These are experienced
25 trial lawyers on both sides, and I do not anticipate that

1 will happen.

2 One thing I do want to call your attention to,
3 because some of the lawyers in the case may ask you about it
4 during their questions in a little bit, is the burden of
5 proof.

6 In a patent case, the jury may be called upon to
7 apply two different burdens of proof -- proof. The jury may
8 apply the burden of proof known as the preponderance of the
9 evidence, as well as a second burden of proof known as clear
10 and convincing evidence.

11 I need to instruct you that when a party has the
12 burden of proof on any claim or defense by a preponderance of
13 the evidence, that means that you, the jury, must be
14 persuaded by the credible and believable evidence that that
15 claim or defense is more probably true than not true. I'll
16 say that again, more probably true than not true.

17 Sometimes this is called or talked about as being
18 the greater weight and degree of credible testimony. I think
19 probably everyone in the room is familiar with the famous
20 statue of the Lady of Justice. She's blindfolded. She holds
21 the Sword of Justice in her right hand; and in her left hand
22 she holds raised up, the Scales of Justice.

23 Think of that as an example when we talk about
24 burden of proof, and think of those scales that the Lady of
25 Justice holds. You'll recall they are completely level and

1 balanced. They don't tip one way or the other. They're
2 completely balanced.

3 And during the trial of this case, the jury that's
4 selected is going to hear a lot of evidence. You should --
5 when you think about the burden of proof, consider that that
6 evidence during the course of the trial is placed on those
7 scales.

8 And when all the evidence is in and when the trial
9 is complete, the jury will have to answer certain questions
10 about the claims and defenses of the party.

11 And if -- the parties -- and if a party has the
12 burden of proof by a preponderance of the evidence and if
13 those scales with all the evidence on both sides tip in favor
14 of the party with that burden of proof, even if they tip ever
15 so slightly, then that party has met the burden of proof of a
16 preponderance of the evidence.

17 Also, Ladies and Gentlemen, there is a second
18 burden of proof that will be applied in this case, and that
19 is called clear and convincing evidence. And it means that
20 the jury must have an abiding conviction that the truth of
21 the parties' factual contentions are highly probable.

22 I'll say that again: An abiding conviction that
23 the truth of the parties' factual contentions are highly
24 probable. That's a higher standard of proof than the
25 preponderance of the evidence.

1 If you think back to the example I just gave you
2 about the Scales of Justice held in that famous statue, when
3 the evidence is all in and it's placed on both sides of those
4 scales and the party who has the burden of proof by clear and
5 convincing evidence meets that burden of proof, if those
6 scales tip definitely in their direction, they must tip more
7 than ever so slightly. It is a higher burden of proof.

8 Now, neither of these two burdens of proof, a
9 preponderance of the evidence and clear and convincing
10 evidence, neither of these burdens of proof are to be
11 confused with what's called beyond a reasonable doubt.

12 Beyond a reasonable doubt is a burden of proof
13 applied in a criminal case, and it has no application
14 whatsoever in a civil case like this. You should not confuse
15 clear and convincing evidence with beyond a reasonable doubt.
16 It's not as high as beyond a reasonable doubt, but it is
17 higher than a preponderance of the evidence.

18 I give you these instructions because, as I say, it
19 is possible that some of the lawyers will ask you later if
20 you're able to meet that and follow the Court's instructions
21 as to these two burdens of proof as you evaluate the evidence
22 in this case.

23 Now, before we go further and before the lawyers
24 address you directly, I'm going to ask each member of the
25 panel to stand and give the same information that I gave you

1 when I introduced myself to you.

2 You have, each of you, a sheet with I believe it's
3 nine questions to answer. And the way we'll do this,
4 Mr. Blanton, our Court Security Officer, has a handheld
5 microphone and he'll start right here on the front row of the
6 jury box with Panel Member No. 1.

7 And when you get the microphone, if you would stand
8 and speak into the microphone and answer those questions,
9 then we'll pass the microphone down and go through all the
10 members of the panel with that process.

11 Also, just for your information, as you are asked
12 questions by the lawyers later this morning as a part of this
13 process, please also wait until you get the handheld
14 microphone from the Court Security Officer; and stand when
15 you give your responses.

16 All right, sir. We'll begin with Panel Member No.
17 1.

18 JUROR JUNO: Okay. My name is Justin Juno, and I
19 live here in Tyler, Texas. I am 27 years of age and have
20 zero children.

21 I'm currently employed at Mentoring Minds and
22 create educational materials there as a digital production
23 artist. I also work nights as a chef at Juls Restaurant. I
24 have worked at both of these places for around one to two
25 years.

1 I have completed some college and am married to
2 Lindsey Maner. She currently works for Maximus in Athens,
3 Texas, and has worked there for about a year.

4 I have not served on a jury panel before.

5 THE COURT: Thank you, sir.

6 Let's go to Ms. Ray, Panel Member No. 2.

7 JUROR RAY: My name Pamela Ray, and I live in
8 Bullard, Texas. I have two young children.

9 I work at East Texas Medical Center in Tyler, and
10 I'm a registered nurse. I've worked there for about
11 five-and-a-half years. I graduated from Whitehouse High
12 School, then Texas A&M, and UT Tyler to get my nursing
13 degree.

14 My husband's name is Shawn Ray. He works at
15 Mewbourne Oil Company in Tyler in human resources. He's
16 worked there for about 10 years.

17 And I've never served on a jury.

18 THE COURT: Thank you, ma'am.

19 All right. Panel Member No. 3.

20 JUROR WINSHIP: My name is Nathan Winship. I have
21 two children.

22 I'm employed with the City of Jacksonville as the
23 nighttime sergeant for the police department. I've been
24 there for about eight years. And other than high school,
25 I've completed the East Texas Police Academy.

1 My wife's name is Sarah Winship, she's a homemaker
2 and stay-at-home mother. So she has a big job.

3 And I have not served on a jury panel before.

4 THE COURT: Thank you, sir.

5 Next member of our panel.

6 JUROR SHIFLET: Yeah, my name is Terry Shiflet. I
7 have two children.

8 I work -- I am retired. I did work at an air
9 conditioning company, installer. I worked there for
10 36 years. My educational background is high school only.

11 Joann Shiflet is my spouse's name. She works at
12 Athens as a -- she does work for a doctor, and she has worked
13 there for a year-and-a-half.

14 And I haven't ever served on a jury.

15 THE COURT: Thank you, sir.

16 Mr. Woodard.

17 JUROR WOODARD: Roddy Woodard is my name. I live
18 in Longview, Texas. I have five children.

19 I'm 50 percent owner of Wolf Prints there in
20 Longview, and I've worked there for -- well, owned it for
21 20 years. Educational background, I have an associate's in
22 electronic engineering.

23 My spouse's name is Donna. We've been married for
24 36 years. She's the other half of the owner of the business.
25 And I have served on both civil and criminal juries.

1 THE COURT: Thank you, sir.

2 Mr. Rogers.

3 JUROR ROGERS: My name is William Rogers from
4 Palestine, and I've got four children.

5 I work at Bacon Autoplex as a car salesman, and
6 I've worked there for 11 years. I've just got a high school
7 education, and I'm single.

8 And I don't have any previous civil or criminal
9 jury duty.

10 THE COURT: Thank you.

11 Now we'll take the microphone and bring it around
12 here to Ms. Corley, Panel Member No. 7.

13 JUROR CORLEY: My name is -- excuse me -- my name
14 is Laura Corley. I do not have any children. I'm from
15 Chandler, Texas.

16 I work at Brownsboro High School. I'm the college
17 and career readiness coordinator and career and technology
18 education director there. I've worked there for four years.

19 I was homeschooled K through 12, graduated from
20 East Texas Baptist University with a bachelor's degree in
21 2007 and will graduate with a master's degree in educational
22 leadership from SFA this May.

23 I'm not married, and I've never served on a jury.

24 THE COURT: Thank you, ma'am.

25 Mr. Gatlin, No. 8.

1 JUROR GATLIN: My name is Russell Gatlin. I have
2 in Longview, Texas. I have two small children.

3 I work at Triumph Structures East Texas. It's in
4 Kilgore. It's a machine shop. I work in quality control
5 there. I've worked there for a little over four years. I
6 have a high school education and some college, about 30
7 hours, I guess.

8 I'm married to Deanna Gatlin. She's a stay-at-home
9 mother. And before that, she worked in insurance and some
10 law enforcement.

11 I have never served before.

12 THE COURT: Thank you.

13 Panel Member No. 9.

14 JUROR HIEBING: My name is Charlene Hiebing. I'm
15 from here in Tyler, Texas. I have no children.

16 I'm self-employed as a reflexologist, and I started
17 my business 14 years ago. After graduating high school, I
18 completed an associate degree in general business.

19 I am not married, and I have no prior jury service
20 experience.

21 THE COURT: Thank you.

22 Mr. Childress.

23 JUROR CHILDRESS: My name is James Childress. I
24 live in Bullard, Texas. I have two daughters. One is still
25 at home. She's a brittle diabetic. I help my wife with her

1 transport three times a week to and from dialysis. She's
2 lost one leg, and that's why I help transport. She's fairly
3 heavy.

4 I was employed as an in-house investigator with the
5 Grainger Law Firm for 12 years. After that, I was out on my
6 own, a private investigator for 18 years.

7 I graduated from Stephen F. Austin in Nacogdoches.

8 My wife is Marie. She was in retail sales until
9 our daughter got worse. She worked there many years.

10 I did serve on a civil jury for one day, Judge
11 Shamburger's court in Winona, last year.

12 THE COURT: Thank you.

13 Mr. Neal.

14 JUROR NEAL: I'm Lynn Neal. I live in Grand
15 Saline. I have three children.

16 I'm employed with Morton Salt Company. I've worked
17 there for 42 years. I have a high school education. I'm a
18 machinist mechanic for Morton.

19 My wife's name is Hilda, and my spouse worked for
20 Mineola Community Bank. Been there for one year.

21 And I've served on both juries.

22 THE COURT: Thank you, sir.

23 Panel Member No. 12.

24 JUROR SCOTT: Yes. My name is Robert Scott. I do
25 not have any children. I also live in Mineola where I work

1 at Southern Star DISH Network. I've worked there for two
2 years. My education is some college.

3 I'm not married, and I have not served prior jury
4 cases.

5 THE COURT: Thank you.

6 Now we'll go to the first row of the gallery with
7 No. 13.

8 JUROR URBINA: My name is Irma Urbina. I live in
9 Palestine, Texas. I have three children.

10 I work at the Texas Health and Human Services.
11 I've been there for 10 years. A little bit of college.

12 My spouse's name is Juan Urbina, and he works for
13 the NKS Well Services in Palestine. He's been there for four
14 years.

15 And no prior jury.

16 THE COURT: Thank you, ma'am.

17 Ms. Hannah, No. 14.

18 JUROR HANNAH: My name is Gail Hannah. I live in
19 Tyler, Texas. I have two grown children.

20 I work at Trane Company in Tyler. I've worked
21 there for 20-and-a-half years in the extended warranty
22 department. I have a high school education.

23 I'm not married, divorced. And I did serve on a
24 criminal jury one time.

25 THE COURT: Thank you, ma'am.

1 Ms. Vandergriff.

2 JUROR VANDERGRIFF: I'm Carolyn Vandergriff, and I
3 live in Tyler, Texas. I have three grown children.

4 I worked for 24 years for State Farm Insurance as a
5 sales representative. I have a high school education.

6 My spouse is Jerry Vandergriff. He was a plumber
7 for 41 years. He's retired.

8 And I have served on a civil -- I mean, a criminal
9 jury.

10 THE COURT: Thank you.

11 No. 16.

12 JUROR GOWIN: My name is Toby Gowin. I live in
13 Jacksonville, Texas. I have two children.

14 Am currently director of construction and
15 facilities at Southern Multifoods in Jacksonville. I've been
16 there about three-and-a-half years. I graduated from
17 Jacksonville High School and the University of North Texas.

18 My wife's name is Niki, and she's a homemaker.

19 And also I have no prior jury experience.

20 THE COURT: Thank you.

21 No. 17.

22 JUROR SAUCIER: My name is Nan Saucier. I'm from
23 Winnsboro, Texas. I have two sons that are grown.

24 I am a retired junior high principal. Before I was
25 a principal, I taught literature and special education. I

1 was a principal/teacher for 39 years before I retired. I
2 have a Bachelor of Science degree and a Master of Education
3 degree.

4 My husband's name is Dave Saucier. He was a
5 football coach and high school science teacher.

6 No prior jury services.

7 THE COURT: Thank you, ma'am.

8 Mr. Roberts.

9 JUROR ROBERTS: Yes. My name is Gary Roberts. I
10 have no children.

11 My last -- I'm retired. My last employment was
12 Sterilite in Ennis, Texas. I worked there for eight years.

13 A 9th grade education.

14 Not married.

15 I've been on both a civil and criminal jury.

16 THE COURT: Thank you, sir.

17 Mr. Freeman, No. 19.

18 JUROR FREEMAN: Yes. My name is Dan Freeman. I
19 live here in Tyler, Texas. I have two grown daughters.
20 I am an agent -- have an agency, and my wife also works in
21 that agency for the last 18 years. I graduated high school,
22 very little college.

23 And the last jury was a civil case.

24 THE COURT: All right, sir.

25 No. 20, Ms. Strickland.

1 JUROR STRICKLAND: Yes. My name is Elizabeth
2 Strickland. I have three grown children.

3 And I'm employed at Truman West Smith Children's
4 Center. And I've been there 11 years. And I have a high
5 school education.

6 I don't have no spouse, and I have never served as
7 a jury service.

8 THE COURT: All right. If you'll hand that
9 microphone to Mr. Blanton, he'll take it to our next member,
10 which is Ms. Williams, No. 21.

11 JUROR WILLIAMS: Yes. My name is Lynda Williams.
12 I have two grown children.

13 I work at Stepping Stone School with
14 pre-kindergarten children. I've been there 15 years. Have
15 been working with children for 33 years. I have a college
16 degree and teaching certificate.

17 My husband's name is Ricky Williams. He worked --
18 he is currently retired, but he worked 44 years with the U.S.
19 Postal Service and was postmaster at Brownsboro when he
20 retired.

21 And I have not served on a jury.

22 THE COURT: Thank you, ma'am.

23 Mr. Armstrong.

24 JUROR ARMSTRONG: My name is Freddy Armstrong. I'm
25 from Carthage, Texas. I've got two grown children.

1 I work for Sunland Construction there in Carthage,
2 Texas. I've worked there for four years. I've completed 12
3 years high school -- or 12 years school.

4 My -- I was married 29 years before my wife passed
5 away in 2004, and she was a stay-at-home wife.

6 And I've never served on a criminal or a civil
7 case.

8 THE COURT: All right, sir. Thank you.

9 No. 23, Mr. White.

10 JUROR WHITE: My name is Larry White. I live here
11 in Tyler, Texas. I have two grown kids.

12 I work for an oilfield company called Baker Hughes.
13 I'm the district manager out of Kilgore. And I've been there
14 34 years.

15 Let's see, my educational background is I have a
16 bachelor's from Texas A&M Commerce and a master's from
17 University of Texas at Tyler.

18 My spouse's name is Margaret, and before she was
19 retired, she was in retail sales. She worked there 20 years.

20 And I have no prior jury service.

21 THE COURT: Thank you, sir.

22 No. 24 is next.

23 JUROR DENT: Hi. My name is Lance Dent from Tyler.
24 I have four children.

25 I'm with DKT Investments in Tyler. Have been there

1 over eight years. Some college.

2 My wife's name is Amanda, and she's an electrician,
3 and she's been there like eight or nine years.

4 And I've been on both civil and criminal.

5 THE COURT: Thank you.

6 No. 25, Ms. Cox.

7 JUROR COX: I'm Vanessa Cox, and I'm from Flint,
8 Texas. I have two boys still at home. I am a stay-at-home
9 mom at this time. I have a degree in education.

10 My husband is Jim Cox. He works at ChemTreat as a
11 chemical sales rep.

12 And I've had criminal experience.

13 THE COURT: All right. No. 26 is next.

14 JUROR KROLCZYK: My name is Michael Krolczyk. I'm
15 from Bullard, Texas.

16 I've worked for Farmer's Insurance Agency in
17 Palestine, Texas for four years. I just completed some
18 college.

19 And I have no jury experience.

20 THE COURT: No. 27, Ms. Hill.

21 JUROR HILL: I'm Judy Hill. I'm from Palestine.

22 Recently moved to Tyler. Divorced, two grown children.

23 Been in the insurance industry for 24 years, and I
24 have served on a criminal case before.

25 THE COURT: All right. 28, our last panel member.

1 JUROR BERRY: Yes. My name is Luvena Berry. I
2 live in Whitehouse, Texas. I have three grown children.

3 I'm retired. But before that, I worked in a
4 wholesale plant nursery for 17 years. My education, I
5 graduated high school.

6 My husband's name is Tommy Berry. He works at
7 Matheson Tri-Gas. He is the regions operation manager of the
8 district. He's been there 37 years.

9 And I have served on a criminal case before.

10 THE COURT: Thank you.

11 Thank you, Ladies and Gentlemen. I need to say
12 just a couple more things to you before I turn the
13 questioning over to the lawyers.

14 The jurors who are selected actually will serve in
15 this case as the judges of the facts. And those judge --
16 those jurors who are selected to serve in this case will make
17 the sole determination about what the facts are in this case.

18 Now, my job as the Judge is to rule on questions of
19 law, evidence, procedure, and to maintain the flow of the
20 trial and the decorum of the courtroom.

21 Also, I want to say a couple of things to you about
22 our judicial system that I hope will put things in a proper
23 perspective.

24 In addition to the actual parties, in every jury
25 trial, there are always three participants: The jurors, the

1 judge, and the lawyers.

2 Now, with regard to the lawyers, it's important for
3 each of you to understand that our judicial system is an
4 adversary system, which means simply that during the trial,
5 the parties are going to present their respective cases to
6 the jury in the very best light possible.

7 Now, I know that lawyers are frequently discussed
8 and sometimes criticized in the public and in the media, and
9 the Court has observed that this criticism often is the
10 result of a basic misunderstanding of our adversary system in
11 which the lawyers act as advocates for the competing parties.

12 As an advocate, a lawyer is ethically and legally
13 obligated to zealously assert his or her client's position
14 under the rules of our adversary system; and by presenting
15 the best case possible on behalf of their clients, the
16 lawyers, hopefully, will enable the jury to better weigh the
17 relevant evidence and determine the truth and arrive at a
18 just verdict based on that evidence.

19 This system -- this adversary system of justice has
20 served our country well for over 200 years, and America's
21 lawyers continue to be an integral and a critical part of
22 that process.

23 So as we go forward during the trial, even though I
24 may occasionally frown or grumble at the lawyers from time to
25 time, it's just because I'm trying to make sure that they

1 stay within the boundaries of our adversary system and that
2 their advocacy doesn't get outside of those boundaries and
3 our rules of procedure.

4 But keep in mind, they are simply doing their jobs,
5 and it's important for all of you to be aware of that as we
6 go forward.

7 Additionally, Ladies and Gentlemen, throughout the
8 entire trial process, I am going to do my very best to make
9 sure that the jurors that are actually selected and who serve
10 in this case, have absolutely no idea about how I feel about
11 the evidence in this trial, because evaluating the evidence
12 and determining what the facts are based upon that evidence,
13 is the job of the jury. It is not my job.

14 So the jury selected should take no expressions
15 they see or they think they see from me as something to
16 consider or a factor to take into consideration in
17 determining what the ultimate facts are in this case.

18 At this time, I will recognize the counsel for the
19 respective parties, who will begin their questioning of the
20 jury panel.

21 Mr. Ward, you may proceed on behalf of the
22 Plaintiff.

23 MR. WARD: Thank you, Your Honor.

24 THE COURT: Would you like a warning on your time?

25 MR. WARD: Yes, sir. If I could have a five-minute

1 warning.

2 THE COURT: All right.

3 MR. WARD: May it please the Court.

4 THE COURT: You may proceed.

5 MR. WARD: Good morning.

6 As I told you when I stood up and said this party
7 is ready, my name is Johnny Ward. I'm going to talk to you
8 about some of your feelings and your life experiences; but
9 before I do that, I want to tell you a little bit more about
10 this case.

11 And Judge Gilstrap gives us three minutes to tell
12 you about the case, so it's going to be pretty brief.

13 As you all have learned, this is a patent case. It
14 involves an allegation by my client, Core Wireless, that
15 Apple is infringing on these five patents. You think of it
16 as trespassing. We say Apple trespasses on our property.

17 The inventors on the patents are -- were all former
18 employees of Nokia, which is a company y'all have probably
19 heard about it, and y'all saw it on the jury questionnaire.

20 That's why you were asked about Nokia.

21 And you also saw a question about Microsoft.

22 Microsoft and Nokia formed Core Wireless to seek licensing
23 fees for these patents.

24 Ultimately, a company called Conversant was brought
25 in to actually go out and fight on behalf of these companies,

1 and they've taken over that fight. And so Conversant and
2 Core Wireless, you're going to find out, are related to each
3 other.

4 There was a 20,000-dollar exchange between
5 Conversant and Nokia and Microsoft, and you might hear in
6 this case, although I'm not sure they'll make this
7 allegation, but Apple might say Conversant only paid \$20,000
8 for these patents. There's 1300 of them, although we're only
9 asserting five of them here.

10 You'll learn that Conversant has spent over
11 \$30 million in prosecuting the patents at the Patent Office
12 and in litigation expenses and in salaries. So there's a lot
13 more here than just that \$20,000.

14 Conversant is an expert in licensing; and when they
15 put their \$20,000 down and spent all this money prosecuting
16 these patents, they knew what they were buying. They were
17 buying a fight. And they were buying a fight with Apple.

18 So if you like a good fight, it will be a fight
19 that's fought by the rules; but those of you that make it on
20 the jury are going to get to watch that fight.

21 You'll learn about what these patents cover, but
22 generally for this morning, understand that they cover
23 cellular technologies that are present -- Core Wireless
24 alleges that are present in Apple's products, the iPhone,
25 iPad, and the iPod Touch. It's been a product -- the

1 iPhone's been selling since 2007.

2 Those of you who make it on the jury will learn
3 that Nokia has been in this business since the '80s, and they
4 actually manufactured the first cell phone in the late
5 '80s -- I believe 1987. So they've been at this a long time.

6 So while Apple has some innovative products, not in
7 the cellular technology that's covered by these patents, and
8 that's what this lawsuit is about.

9 They've sold over 130 million units that we say
10 infringe our patents, and we seek to recover \$101 million.

11 That's the number that our -- our expert will put
12 up. So you can understand there's a lot at stake, and that's
13 why there's so many people present in this courtroom.

14 Now, I've told you we allege that Apple is
15 trespassing on our property. That's the easiest way to think
16 of a patent case. They say they don't trespass. They say
17 even if they do trespass, these patents are invalid, they're
18 worthless, and they don't owe us any money.

19 All right. So that's -- that's the patent fight.

20 There's also this contract fight that you'll hear a
21 little bit about. I won't get into it too much because it --
22 it's going to confusing if I try to get too deep into it.

23 But that's basically what the dispute is about
24 between these parties.

25 There are a lot more facts that will come out

1 during the trial. This isn't the time that I'm going to tell
2 you about those -- those facts. Mr. Bunsow will do that
3 during the opening statement, and you'll hear from him.

4 THE COURT: Let's move on with specific questions.

5 MR. WARD: All right.

6 So voir dire. This is an opportunity for you-all
7 to speak to us. It's kind of unique. It's the only time
8 that we get to speak to you directly. So I do want you to
9 speak up. I am going to ask you questions. I'll call on
10 some of you individually.

11 You were kind enough to fill out these
12 questionnaires and that gave us a lot of information, and
13 that will speed this process along. And I'm going to follow
14 up on some of those questions.

15 And as Judge Gilstrap told you, there are no wrong
16 answers. You can't give a wrong answer during voir dire.
17 The only wrong answer is the answer that you don't give,
18 okay? So we do want you to speak up.

19 How many of you, when you found out that you were
20 coming here for jury service and you -- you've now learned
21 that there's a dispute involving a lot of money between these
22 parties, want to be fair? Does everyone want to be fair to
23 both sides?

24 Is there anyone who says I don't want to be fair?
25 That would be something we'd want to know.

1 And we all come to court wanting to be fair, right?
2 But would you agree with me that we all have different life
3 experiences, things that have shaped our lives and our
4 beliefs as we -- as we go through life and we come to the
5 courtroom with those beliefs. Everyone agree with me? And
6 those beliefs can influence how you view evidence.

7 I -- I can imagine, if I was sitting on a jury,
8 there are certain cases -- or on a jury panel, there are
9 certain cases that I shouldn't hear because I've got
10 leanings. And we want to find out if you have leanings. And
11 leaning is natural. And leaning does not disqualify you from
12 being on this jury.

13 The leaning that will disqualify you is the one
14 that is -- you lean so far that you can't be fair to both
15 sides, regardless what the facts are, regardless of what the
16 law is, you can't set that aside. And that's what we want to
17 find out about.

18 So let me start off by asking if anybody knows Mr.
19 Albritton. Mr. Albritton is seated behind me. He's a lawyer
20 who's got a practice over in Longview, Texas. There's a
21 couple of lawyers that work with him, Jason Cassel and
22 Michael Benefield. Does anyone know Mr. Albritton, his law
23 firm, or ever been represented by him?

24 All right. Nobody.

25 Let's talk about lawsuits. That's what we're

1 hearing, right? Is there anyone who has for political
2 beliefs, religious beliefs, personal beliefs -- they say, you
3 know what, I just don't think it's right to file lawsuits.
4 Even though our laws provide for it, I don't agree with --
5 with filing lawsuits.

6 And I made eye -- eye contact with Mr. Woodard, how
7 do you feel about that?

8 JUROR WOODARD: I agree with it.

9 MR. WARD: Okay. Anybody feel like you shouldn't
10 be able to file a lawsuit, for whatever reason?

11 How many of you feel like there are too many
12 lawsuits? It's okay. Raise your hand. There are no wrong
13 answers.

14 All right. Anyone feel like there's not enough
15 lawsuits? Besides the lawyers in here, anyone feel like
16 there's not enough?

17 All right. Everyone -- everyone agrees there's --
18 there's too many lawsuits.

19 Everyone agree there's too many frivolous lawsuits?
20 All right. We hear about frivolous lawsuits a lot, don't we?
21 And there are a lot of lawsuits, and those lawsuits slow down
22 cases.

23 You'll learn that this case, because of the -- the
24 burdens on the court system and other things, took three
25 years to get here. So we've been waiting and Apple's been

1 waiting for its day in court, as well.

2 So let me talk to you about your -- your feelings
3 about lawsuits.

4 Is there anyone that feels like because there's so
5 many lawsuits, that our legislature, our Congress should do
6 something to limit the number of those lawsuits?

7 I'm going to start over here. Yes, sir, Mr.
8 Shiflet.

9 THE COURT: If you'd stand up and use the
10 microphone, please, sir.

11 JUROR SHIFLET: Yeah. To me, it's really way too
12 many frivolous lawsuits in this country.

13 MR. WARD: All right. And because you feel that
14 way -- obviously Core Wireless had to bring this lawsuit, you
15 understand that?

16 JUROR SHIFLET: Yes.

17 MR. WARD: Because you feel like there's too many
18 frivolous lawsuits and that Congress should do something
19 about it or our legislature, do you start out leaning in
20 favor of Apple simply because they're a Defendant in this --
21 in this lawsuit.

22 JUROR SHIFLET: No. I -- from what I've heard
23 today, this is not a frivolous lawsuit here.

24 MR. WARD: Okay. So even though you have that --
25 that feeling, that's something you could set aside?

1 JUROR SHIFLET: Sure.

2 MR. WARD: Have you ever had any involvement in a
3 lawsuit that might affect your -- your views on this case?

4 JUROR SHIFLET: No, sir.

5 MR. WARD: Okay. Thank you, Mr. Shiflet.

6 Mr. Woodard, while he's got the microphone next to
7 you, how about you?

8 JUROR WOODARD: Nothing that would affect me.

9 MR. WARD: Do you feel like there's too many
10 frivolous lawsuits?

11 JUROR WOODARD: Yeah, I do, but I don't think
12 it's -- put in the government's hands, no.

13 MR. WARD: All right. It's between the government
14 and a jury, leave it up to the jury?

15 JUROR WOODARD: Leave it up to the jury.

16 MR. WARD: All right. Thank you, sir.

17 Mr. Rogers, how about you, sir?

18 JUROR ROGERS: Yes. There are too many lawsuits
19 frivolously, but I don't think this is one of them.

20 MR. WARD: Okay. It's not your -- your belief in
21 that isn't going to cause you to lean one way or the other in
22 this case?

23 JUROR ROGERS: No.

24 MR. WARD: All right. Juror No. 3, Mr. Winship?

25 JUROR WINSHIP: I believe there most likely are too

1 many frivolous lawsuits, but it's not going to affect any --
2 anything here.

3 MR. WARD: And I notice you're a police officer; is
4 that right?

5 JUROR WINSHIP: Yes, sir.

6 MR. WARD: Have you ever been involved in a claim
7 by a prisoner or an excessive force, one of those types of
8 lawsuits?

9 JUROR WINSHIP: Fortunately not.

10 MR. WARD: Fortunately not. Well, good. All
11 right. Thank you, sir.

12 Mr. Juno, how about you?

13 JUROR JUNO: I believe that there are a lot of
14 frivolous lawsuits.

15 MR. WARD: Okay. And your belief that there are a
16 lot of frivolous lawsuits, what would you -- what do you
17 think we should do about that?

18 JUROR JUNO: Personally, I don't think that the
19 judicial system can necessarily do anything about that
20 because people are always going to have a reason to try to
21 find what they think they deserve, or what they do deserve.
22 So I don't really think there's anything that we can
23 necessarily do about that.

24 MR. WARD: All right. And you heard my question
25 earlier, the fact that you believe that, does that start you

1 leaning one way or the other knowing that Core Wireless had
2 to bring this lawsuit against Apple?

3 JUROR JUNO: No, it does not.

4 MR. WARD: Okay. Thank you, sir.

5 And right next to you, I want to hit everybody on
6 the first row. Ms. Ray, how about you?

7 JUROR RAY: I agree, there's a lot of frivolous
8 lawsuits, but I don't feel like it's going to sway me in this
9 case.

10 MR. WARD: All right. Doesn't start you leaning
11 one way or the other?

12 JUROR RAY: No.

13 MR. WARD: All right. And I'll go to the back row
14 while we're close there. Ms. Corley, how about you?

15 JUROR CORLEY: I do believe there are too many
16 frivolous lawsuits, and I think that some reform is in order.

17 MR. WARD: What -- what type of reform would you
18 suggest?

19 JUROR CORLEY: I don't really feel like I'm in a
20 position to make suggestions.

21 MR. WARD: Okay. The fact that you feel that way,
22 you've heard my questions, does that start you leaning in
23 favor of Apple simply because they're a Defendant in this
24 case?

25 JUROR CORLEY: No, sir, because without knowing

1 more about the case, I don't think it's fair to deem it
2 frivolous at this point.

3 MR. WARD: All right. And when you say that it's
4 not fair to deem it frivolous at this point, are you leaning
5 that way that you think it might be frivolous?

6 JUROR CORLEY: No, sir.

7 MR. WARD: Okay. And next to you, No. 8,
8 Mr. Gatlin, how about you?

9 JUROR GATLIN: Yeah, I agree with most that's been
10 said, that there is some privileged lawsuits; but, I mean,
11 everybody -- you know, that's kind of a hard line to draw. I
12 mean, if someone thinks they have a legitimate argument, it
13 might not seem frivolous to them, so I don't know.

14 MR. WARD: Okay. You indicated on your
15 questionnaire that you had some training or experience with
16 wireless technologies?

17 JUROR GATLIN: It's been many years ago. I was
18 just a sales rep for T-Mobile, and so I got just a little bit
19 more hands-on, just learning some of their products.

20 MR. WARD: And how long ago was that?

21 JUROR GATLIN: Probably 11, 12 years ago.

22 MR. WARD: Okay. So been awhile back?

23 JUROR GATLIN: Yes.

24 MR. WARD: Before -- before the iPhone came out?

25 JUROR GATLIN: Yes.

1 MR. WARD: Okay. Thank you, sir.

2 And just -- if you'd hand the microphone next to
3 you to Ms. Hiebing?

4 JUROR HIEBING: That's correct.

5 MR. WARD: How about you? Where do you come down
6 on this issue?

7 JUROR HIEBING: It does seem like there are a lot
8 of lawsuits. I, at this point, feel like there's nothing
9 that would make me lean one way or the other.

10 MR. WARD: All right. Thank you. Fair enough.

11 If you'd pass it to your neighbor there,
12 Mr. Childress.

13 JUROR CHILDRESS: I feel like there probably are,
14 even though I've worked with a defense law firm for several
15 years and mostly did defense investigations when I was out on
16 my own. They helped pay my salary, so there you go.

17 MR. WARD: That was with Mr. Grainger?

18 JUROR CHILDRESS: That's correct.

19 MR. WARD: And anything about your experience
20 working with law firms or your beliefs on lawsuits start you
21 leaning one way or the other in this case?

22 JUROR CHILDRESS: No, not really.

23 MR. WARD: All right. Thank you, sir.

24 Mr. Neal.

25 JUROR NEAL: It don't make any difference one way

1 or the other to me.

2 MR. WARD: All right.

3 JUROR NEAL: I don't have enough information to
4 decide that.

5 MR. WARD: All right. Thank you, sir.

6 And next to you, Mr. Scott?

7 JUROR SCOTT: Okay. I agree with him right here.
8 It's just not -- it's not going to make me lean either way.
9 I'm just going to give the right answer.

10 MR. WARD: Okay. I've got a question. Did you
11 indicate you had some training with wireless technology as
12 well?

13 JUROR SCOTT: Yes. I installed Internet for DISH
14 Network, and I installed like the wireless routers and all
15 that, so...

16 MR. WARD: On-the-job training, so to speak?

17 JUROR SCOTT: Yes, sir.

18 MR. WARD: Anything about that that starts you
19 leaning one way or the other?

20 JUROR SCOTT: No, sir.

21 MR. WARD: All right. And I'll speed it up a
22 little bit.

23 On the front row here, anyone have strong feelings
24 about there's too many lawsuits and Congress needs to do
25 something about it? Anybody on the front row here?

1 Mr. Freeman, No. 19.

2 JUROR FREEMAN: Yes, sir. I think there is too
3 many.

4 MR. WARD: All right.

5 JUROR FREEMAN: And as far as what can be done
6 about it, I'm not sure I can answer that question.

7 MR. WARD: All right. Anything about that belief
8 that you have that starts you leaning one way or another in
9 this case?

10 JUROR FREEMAN: No, sir.

11 MR. WARD: All right. You indicated, when -- when
12 you spoke earlier, that you have an agency.

13 JUROR FREEMAN: Yes.

14 MR. WARD: What agency is it?

15 JUROR FREEMAN: My wife and I have a transportation
16 agency that supplies trucks for freight movement.

17 MR. WARD: Okay. Ever been in a lawsuit, plaintiff
18 or defendant, in connection with your business?

19 JUROR FREEMAN: No, sir.

20 MR. WARD: All right. Thank you, sir.

21 JUROR FREEMAN: Uh-huh.

22 MR. WARD: Now, we all agree that there's --
23 there's too many lawsuits, right?

24 Anyone think that there might be frivolous defenses
25 put up by defendants in lawsuits? Anyone think that that's

1 an impossibility?

2 Based upon this perception that there's too many
3 frivolous lawsuits, anyone think it's impossible that a
4 defendant might put up a defense that has no merit? Anyone
5 thinks that's impossible?

6 Let me talk to you about Core Wireless. As I told
7 you, Core Wireless and Conversant knew they were signing up
8 for a fight when they acquired these patents, right?

9 You'll hear -- you'll learn more about Core
10 Wireless. Core Wireless is a subsidiary of another Core
11 Wireless, but the Core Wireless in this case, Core Wireless,
12 LLC, is located in the Eastern District of Texas. It was
13 formed back in 2011.

14 And it doesn't make any products. What it does is
15 it licenses patents. And as part of that licensing, it files
16 lawsuits like it did in this case. It sued Apple back in
17 2012, February of 2012, and this lawsuit's been going since
18 that time up until today.

19 Now, nothing wrong with that business. It's
20 perfectly legal. But would y'all agree with me that there's
21 laws and things that you might not agree with, that our
22 Congress passes? Everyone agrees with that?

23 Whether it's the gun laws or the right of the NSA
24 to look at our telephone messages, those types of things, we
25 might not agree with them, right?

1 What I need to know is, I've told you that there's
2 nothing wrong with what Core Wireless does, but someone might
3 be sitting there saying: You know what? It might be
4 perfectly legal, Mr. Ward, but I don't like it. I don't like
5 the notion of a company that doesn't make any products that
6 is in business to license its property.

7 Let me go over here to the first row.

8 Mr. Winship, how do you feel about that? You got
9 feelings one way or the other about what I've told you?

10 JUROR WINSHIP: No.

11 MR. WARD: Okay. Anybody in the first row that
12 says: You know what; that might be perfectly legal, but I
13 don't agree with it; I don't like it?

14 Yes, sir. Mr. Juno, tell me about that.

15 JUROR JUNO: Before, I guess, working as a digital
16 production artist, I worked for several years as a graphic
17 designer and market -- marketing director for several local
18 businesses; and when doing that, I got the chance to work
19 with a lot of different clients.

20 And there were times that I just didn't necessarily
21 care for some of the ways people went about designing
22 products and how they did design products.

23 And then it was even worse whenever I would create
24 original work and then have people claim that I infringed on
25 something that didn't exist.

1 MR. WARD: Okay.

2 JUROR JUNO: And so...

3 MR. WARD: Does that experience, knowing that we're
4 accusing Apple of infringing our patents here, your past
5 experience, does that start you leaning towards Apple?

6 JUROR JUNO: If I were picked for the jury, I would
7 do -- I'd be fair. I'd look at the evidence presented.
8 First notion, I will say yes.

9 MR. WARD: Okay. So before we get started, you're
10 telling me -- and there's nothing wrong with that, and I
11 appreciate you telling me that -- you would start out leaning
12 in favor of Apple?

13 JUROR JUNO: Probably so --

14 MR. WARD: All right.

15 JUROR JUNO: -- in all honesty.

16 MR. WARD: And so here's -- and I appreciate that.

17 I told you, you don't get in trouble for giving
18 what you believe. And that's exactly what we're talking
19 about, your life experiences affect how you view things, and
20 that's -- that's what we're here to find out about.

21 That leaning, is it something that you feel like
22 you can set aside if the Court instructs you that you need to
23 set it aside, or is it always going to be in the back of your
24 mind regardless of what the Court instructs you?

25 JUROR JUNO: Oh, no. I mean, if I were picked, I'd

1 put -- I'd put it aside and just look at the evidence
2 presented. I would be a fair juror in the case.

3 MR. WARD: All right. Do you use Apple products?

4 JUROR JUNO: Heavily, actually.

5 MR. WARD: Heavily?

6 Do you own an iPhone?

7 JUROR JUNO: Yes, I do. And the company I
8 currently work for is an entire Mac environment.

9 MR. WARD: All right. So I saw an ad this morning
10 for the Apple iWatch. Did you see that? They're launching
11 it today.

12 JUROR JUNO: I did see that. I don't wear the
13 watches, but...

14 MR. WARD: Well, they're coming out, and they said
15 the Apple nuts are going to be lining up.

16 Are you -- are you an Apple nut?

17 JUROR JUNO: I wouldn't say I'm an Apple nut.

18 MR. WARD: Okay.

19 JUROR JUNO: I still use an iPhone 5, so...

20 MR. WARD: But you like their products?

21 JUROR JUNO: Yes.

22 MR. WARD: Anything about the fact that you work
23 for a company that uses Apple products, that's going to start
24 you leaning in favor of Apple before we get started in this
25 case?

1 JUROR JUNO: No. As stated, I'd be fair in this
2 case, so...

3 MR. WARD: You can set that aside.

4 JUROR JUNO: Uh-huh.

5 MR. WARD: Okay. Thank you, Mr. Juno.

6 Anybody on this back row that starts out, you know,
7 I've got a -- that feels like: I don't like what you've told
8 me about Core Wireless's business, that they're in the
9 business of licensing patents, and associated with that is
10 filing lawsuits? Anyone on the back row feel that way; they
11 don't like what I've told you?

12 Ms. Corley, you're looking at me like maybe you're
13 feeling that way. Tell me -- tell me what's happening.

14 JUROR CORLEY: I don't really have strong feelings
15 either way. I just am unfamiliar with companies like that
16 coming from an educational background.

17 MR. WARD: Okay. Anything about that that starts
18 you leaning one way or the other, or is this something you
19 want to learn more about if you're on the jury?

20 JUROR CORLEY: Probably just learn more about
21 why -- why the company is in business to not produce a
22 product. And I understand that some companies are in
23 business to provide a service; and I am okay with that, but I
24 just don't know a lot about it.

25 MR. WARD: Okay. Thank you.

1 Anybody else on the back row?

2 Yes, sir. Mr. Gatlin.

3 JUROR GATLIN: I guess just to clarify, I mean,
4 Core Wireless -- I mean, their customer would be, what, Nokia
5 and Microsoft, so --

6 MR. WARD: Correct.

7 JUROR GATLIN: -- they're defending their -- their
8 products.

9 MR. WARD: They're -- they've got to recoup the
10 money that they spend on these cases, and then those proceeds
11 would then be divided between Conversant, Nokia, and
12 Microsoft.

13 JUROR GATLIN: So as a clarification, that mean --
14 so although they're not producing product, they are -- you
15 know, they're protecting --

16 MR. WARD: That -- that is what they're -- that's
17 what Core Wireless and Conversant do.

18 JUROR GATLIN: Okay. That's all.

19 MR. WARD: All right. Thank you, sir.

20 Anybody else on this back row?

21 And over here in the front row, what I've told you
22 about Conversant -- Conversant -- about Core Wireless.

23 Ms. Hannah, how about you? Do you start out
24 leaning one way or the other based on what you've heard so
25 far?

1 JUROR HANNAH: No, sir.

2 MR. WARD: All right. And you -- you --

3 JUROR HANNAH: Nothing you've said.

4 MR. WARD: I'm sorry?

5 JUROR HANNAH: Nothing you've said has made me lean
6 one way or the other. I would have to hear all the facts.

7 MR. WARD: All right. Thank you.

8 You've worked at Trane for 20-and-a-half years; is
9 that right?

10 JUROR HANNAH: Yes, sir.

11 MR. WARD: As a warranty claims specialist?

12 JUROR HANNAH: Yes, sir. Well, I didn't start out
13 there. I've been in -- this is my third department, but I've
14 been in this department for 12 years.

15 MR. WARD: And I believe you indicated that you
16 were a proofreader --

17 JUROR HANNAH: At Liberty Mutual Insurance years
18 ago. Not the whole policy. We had certain aspects they
19 would give us to proofread to make sure there were no
20 misspellings.

21 MR. WARD: You actually read those insurance
22 policies.

23 JUROR HANNAH: We did have to.

24 MR. WARD: Okay. Anything about that history that
25 starts you leaning one way or another in this case?

1 JUROR HANNAH: Oh, no, sir.

2 MR. WARD: Okay. Thank you, ma'am.

3 Mr. Gowin, how about you? Anything that I've told
4 you so far start you leaning one way or the other in this
5 case?

6 JUROR GOWIN: Not at all, no, sir.

7 MR. WARD: All right. You can be fair to both
8 sides?

9 JUROR GOWIN: Absolutely.

10 MR. WARD: All right. Thank you, sir.

11 Let me ask the rest of the panel about iPhone
12 products. How many folks own either a MacBook, an iPhone,
13 iPod Touch, or an iPad? And if you would just keep your hand
14 up, I'm going to call them out so folks can write it down.

15 1, 2, 4, 6, 12, 10, 9, 8, 7, 15 -- is that right?

16 I'm starting over here -- yeah -- 13, 15, 16, 17,
17 19, and 20, 21, 24, 25.

18 Anyone own two or more products?

19 Same folks?

20 How about three or more Apple products?

21 All right. That's No. 1, No. 10, 15, 16, 17, 19.

22 Those of you that own multiple products, the fact
23 that you own multiple products -- maybe you don't want to
24 confess you're an Apple nut, but do you start out leaning in
25 favor of Apple because you like their products, that you'd

1 have -- that we wouldn't start out equal?

2 Anyone that raised their hand, whether it's one,
3 two, or three, in the jury box?

4 And over here?

5 All right. And I -- I think one person indicated
6 they owned stock in Apple.

7 Mr. Childress?

8 JUROR CHILDRESS: (Nods head affirmatively.)

9 MR. WARD: Is that right?

10 And I'm sorry. I've got to get you on the record
11 saying that you do own Apple stock.

12 JUROR CHILDRESS: That's correct.

13 MR. WARD: All right. Thank you, sir.

14 Anybody else own stock in Apple?

15 How am I doing on my time, Your Honor?

16 THE COURT: You're about 10 minutes away from your
17 warning.

18 MR. WARD: Okay. Thank you, sir.

19 All right. I've told you all that we seek to
20 recover up to \$101 million in damages, right? His Honor
21 talked to you about the burden of proof. And to -- we've got
22 to prove infringement, and we've got to prove that they
23 trespass on our property, and we've got to do that by a
24 preponderance of the evidence.

25 And then Apple has a burden of proof. They've got

1 the burden of proving that these patents are invalid. And
2 it's a higher burden. And they've got that higher burden
3 because the Patent Office has already passed on the validity
4 of these patents, and they're saying the Patent Office made a
5 mistake. So they've got a higher burden of proof.

6 But on damages, we've got that lower burden again.
7 We've got to prove by the greater weight of credible evidence
8 that our position is correct.

9 In trying these cases, I've talked to folks like
10 y'all on jury panels, and they say: You know what? That
11 might be the burden of proof in a car wreck case or a simple
12 breach-of-contract case, but if you're seeking to recover
13 over a hundred million dollars, you're going to have to prove
14 it to me by more than a preponderance of the evidence, okay?

15 Anyone on the front row feel like: You know what;
16 for that kind of money, you ought to have to satisfy a higher
17 burden of proof than a preponderance of the evidence?

18 Anybody on the front row?

19 Second row, anybody feel that way?

20 All right. How about over here, the front row?

21 I'm going to pick on you, Mr. Freeman. How about
22 you? Do you feel like we ought to satisfy a higher burden of
23 proof or you're going to be able to apply the law as far as
24 a preponderance of the evidence if -- if that's what the
25 Judge instructs you the law is?

1 JUROR FREEMAN: That's a stinking lot of money. I
2 think you ought to have a whole lot of evidence there.

3 MR. WARD: Okay. You think we ought to meet a
4 higher burden of proof?

5 JUROR FREEMAN: I do.

6 MR. WARD: All right. And remember what I said
7 earlier, there's no wrong answer, so I appreciate you telling
8 me that.

9 The fact that you feel that way -- and understand
10 that the Court's going to instruct you that you are to apply
11 the preponderance of the evidence -- are you telling me that
12 you'd have difficulty following the Court's instruction if
13 that's what he instructs you to apply?

14 JUROR FREEMAN: No, sir.

15 MR. WARD: You can set that personal belief aside?

16 JUROR FREEMAN: Yes.

17 MR. WARD: All right. Thank you, sir.

18 Anyone agree with what Mr. Freeman says, that we
19 ought to have to meet a much higher burden of proof if we
20 seek to recover that amount of money?

21 Ms. Saucier? All right.

22 JUROR SAUCIER: I can tell you, I agree with him.
23 That's a lot of money.

24 MR. WARD: It's a lot of money.

25 JUROR SAUCIER: A lot of money. And I know people

1 that are in this room right now, no one makes that kind of
2 money, and especially where I'm coming from.

3 But I'd have to see all the facts. I'm like -- you
4 can tell the ones of us that have been in education. I've
5 got to have the facts --

6 MR. WARD: Right.

7 JUROR SAUCIER: -- before any decisions are made.
8 But that's a lot of money.

9 MR. WARD: And we have the burden of proof, and
10 we're -- we gladly accept it. My question to you is a little
11 different, though. Because it's so much money, would we have
12 to satisfy a higher burden of proof?

13 JUROR SAUCIER: I'm afraid you will for me.

14 MR. WARD: All right. And I appreciate that.

15 Regardless of what the Court instructs you on the
16 law that you're supposed to apply, because it's so much
17 money, you're saying: I hear you on what the law is; it's
18 one of those laws I don't agree with, and you'd have to meet
19 a higher burden?

20 JUROR SAUCIER: I know y'all are a big corporation.
21 I know y'all are much bigger than what people like us have
22 dealt with. But that is still a lot of money.

23 MR. WARD: And I agree with you.

24 And so are you telling me, since you've got this --
25 this view -- and there's nothing wrong with it --

1 JUROR SAUCIER: Uh-huh.

2 MR. WARD: -- that you would hold us to a higher
3 burden regardless of what the Court instructs you?

4 JUROR SAUCIER: I feel like I probably would.

5 MR. WARD: Thank you. I appreciate you telling me
6 that.

7 Anyone agree with what Ms. Saucier has told me?

8 Yes. Yes, sir. Mr. Juno, do you agree with what
9 she said?

10 JUROR JUNO: I'm just agreeing with her. It's a
11 lot of money. And I don't know. Just -- I'd have to see a
12 lot of evidence.

13 MR. WARD: We'd need to bring you more evidence
14 than this preponderance of the evidence?

15 JUROR JUNO: Yes.

16 MR. WARD: All right. I appreciate you telling me
17 that.

18 And even if His Honor says: I'm going to tell you
19 what the law is, and you're to apply the law, are you telling
20 me, in the back of your mind, you're going to be going: I'll
21 try to do that, but I think I'm going to hold you to a higher
22 burden?

23 JUROR JUNO: Truthfully, yes.

24 MR. WARD: All right. That's -- that's what --
25 what we need to know.

1 Anybody else -- I'll give you one more chance in
2 the jury box -- that answered that question would answer it
3 differently -- or I'm sorry -- the same as Mr. Juno, that
4 you'd hold us to a higher burden?

5 All right. Anyone over here in the front row?

6 Ms. Hannah, would you hold us to a higher burden
7 since it's so much money?

8 THE COURT: Let's wait until we get the microphone.
9 He's on his way.

10 JUROR HANNAH: No, sir. It -- it is a lot of
11 money, but I haven't heard any facts in the case, and I -- I
12 think I -- it would be too soon to say that I would --

13 MR. WARD: But -- and I guess my question is a
14 little different. Would you apply the law as His Honor
15 instructs you?

16 JUROR HANNAH: I would.

17 MR. WARD: All right. Thank you, ma'am.

18 JUROR HANNAH: Uh-huh.

19 MR. WARD: Anybody feel like -- for personal
20 reasons, they're sitting there going: You know what, I don't
21 think I can do that?

22 And I haven't talked to everybody on the back row
23 back there.

24 Mr. White, how about you?

25 JUROR WHITE: No, I wouldn't have any problem with

1 that. I understand that, from a research standpoint, because
2 my company's into that, that you have to recoup your money at
3 some point in time, whether you produce the product or not.
4 So I can set that aside.

5 MR. WARD: And -- and apply the law as His Honor
6 gives it to you?

7 JUROR WHITE: Yes, sir.

8 MR. WARD: All right. Thank you, sir.

9 As you can tell, there's lots of questions that I
10 can ask you and try and get information from you that is
11 important to my client, but I can't think of everything, and
12 I don't have unlimited time.

13 So my last question to you is this: Is there
14 anyone sitting there right now going: You know what, if
15 Mr. Ward had asked me this question, he would know that I'm
16 leaning in favor of Apple and that I'm not the right juror
17 for this case?

18 Anyone sitting there feeling that way right now?
19 This is your chance. And if it's something you want to talk
20 about at the bench, we can do it at the bench after we finish
21 voir dire.

22 Anyone at the front row?

23 Yes, sir. Mr. Childress.

24 JUROR CHILDRESS: Having done defense work for 30
25 years, investigations, I'm sitting here -- it's just going to

1 be real hard for me.

2 MR. WARD: Okay.

3 JUROR CHILDRESS: I'm biased just a little bit.

4 Thirty years is a long time.

5 MR. WARD: Right.

6 JUROR CHILDRESS: I didn't work on that many

7 plaintiff's cases --

8 MR. WARD: All right.

9 JUROR CHILDRESS: -- and I want to be honest with
10 you.

11 MR. WARD: Well, but, look, that's what we're here
12 for, to find out -- your life experiences have shaped the way
13 that you would view this evidence, fair?

14 JUROR CHILDRESS: Yes, sir.

15 MR. WARD: And are you telling us you'd start out
16 leaning in favor of Apple because of your experience of
17 working on defense cases?

18 JUROR CHILDRESS: Yes, sir.

19 MR. WARD: Regardless of what I tell you or His
20 Honor tells you about applying the law and setting that bias
21 aside, you'd have difficulty doing it?

22 JUROR CHILDRESS: Yes, sir.

23 MR. WARD: All right. Thank you, sir.

24 Anybody else? Anyone sitting there saying you need
25 to know this because I'm leaning against your client, you

1 just hadn't asked the right question?

2 All right. Thank you all for your time. For those
3 of you who are selected to the jury, we look forward to
4 presenting our case to you.

5 All right. The Defendant may now address the
6 panel.

7 MR. ALBRITTON: Thank you very much, Your Honor.

8 THE COURT: Would you like a warning on your time,
9 Mr. Albritton?

10 MR. ALBRITTON: Yes, sir, please, five minutes.

11 THE COURT: All right.

12 MR. ALBRITTON: May it please the Court.

13 THE COURT: Proceed.

14 MR. ALBRITTON: Thank you very much, Your Honor.

15 Good morning, folks. As Mr. Ward told you, my name
16 is Eric Albritton. My law firm is over in Longview. And the
17 Judge told you a little bit about himself and y'all told us
18 about yourselves

19 So I'm married. I've got a junior in high school.
20 We're starting to look at colleges. And I've got an 8th
21 grade boy. My oldest is a girl. My wife is a child
22 psychologist, but she hasn't worked outside the home. She's
23 been just raising babies for the last 17 years.

24 I went to college at Baylor, like His Honor, and so
25 did actually Ms. Vreeland. We're Baylor Bears. So that's a

1 little bit.

2 Mr. Ward spent some time talking to you about sort
3 of an overview of the case, and I'm really not going to do
4 that right now, and let me tell you why.

5 I agree wholeheartedly with what Mr. Ward said, and
6 that is this is the opportunity we get to hear from you guys.
7 That's what's unique about this. So I want to hear from you.
8 You don't need to hear from me right now. You're going to
9 hear from Joe Mueller who, right after lunch, is going to get
10 to tell you our opening statement.

11 And I can tell you this: Apple's got a very, very,
12 very different view of the world than Core Wireless does.
13 Apple does not infringe these patents, and Core Wireless is
14 not entitled to any money. But I'm going to focus on
15 questions.

16 And I wanted to follow up with Mr. Juno first.
17 Mr. Ward asked you -- I'm sorry, he picked on you, so I'm
18 going to pick on you, too.

19 JUROR JUNO: All right.

20 MR. ALBRITTON: Mr. Ward asked you this question
21 about the burden of proof and asked you if you were leaning
22 and you expressed that that would be difficult for you,
23 right?

24 JUROR JUNO: Yes.

25 MR. ALBRITTON: But -- but the real question is

1 this: His Honor is going to instruct you. He's going to
2 give you the law in the case, and he's going to say that all
3 Core Wireless has to do is prove damages by a preponderance
4 of the evidence.

5 Now, you'll be actually able to follow the Judge's
6 instructions in this case, right?

7 JUROR JUNO: As stated before, I would do my very
8 best to judge fairly, but I do have a preconceived notion
9 basically where I would lean.

10 MR. ALBRITTON: I understand. You're leaning that
11 way, but do you think you could follow his instructions and
12 set aside that leaning?

13 JUROR JUNO: I mean, to the best -- I would do to
14 the best of my ability, yes.

15 MR. ALBRITTON: Okay. Great. Thank you very much,
16 Mr. Juno.

17 How about you, Ms. Saucier? I have the same
18 question for you.

19 JUROR SAUCIER: Well, because I was a principal,
20 I'll do what I'm told by the Judge. I can tell you I'll do
21 it --

22 THE COURT: Good. We'll get along just fine.

23 JUROR SAUCIER: We will. Because I can't stand
24 somebody not doing what they're supposed to be doing, and
25 I'll try to be fair -- very, very fair. But it's like I said

1 while ago, it is hard. It is in the back of my mind, that's
2 a lot of money.

3 MR. ALBRITTON: I understand it.

4 JUROR SAUCIER: You understand that.

5 MR. ALBRITTON: Yes.

6 JUROR SAUCIER: But what he tells me to do, I will
7 do, and I will do it to the best of my ability.

8 MR. ALBRITTON: Thank you very much. So you'll
9 follow his instructions?

10 JUROR SAUCIER: Whatever he tells me to do, I'm
11 going to do.

12 MR. ALBRITTON: Thank you very much.

13 All right. Mr. Ward -- we got to hear your voices
14 a bunch, and this is unusual because there are going to be
15 eight of you ultimately picked to be on this jury. And we're
16 not going to ever hear your voices until after a verdict is
17 rendered. So it's important that we hear your voices right
18 now, okay?

19 Because interestingly enough, and all the lawyers
20 know this and His Honor, of course, knows this better than
21 all of us, but the folks who don't talk are the folks who
22 actually end up on juries, okay? So I'll really encourage
23 you to talk to us and talk to us about how you really feel.

24 I agree with something else that Mr. Ward said, and
25 that is, you know, we're all fair people, okay?

1 Now, I told you, I've got two kiddos. I've got a
2 junior and an 8th grader. I would be entirely the wrong
3 person to sit on a jury where somebody was accused of hurting
4 a -- a teenage girl, for instance. That would just -- that
5 would be far too close to home for Eric Albritton because
6 that's where I live as a person, okay?

7 So even though I'm a fair person, generally
8 speaking, I wouldn't be the right kind of person for that
9 case.

10 So that's what we're trying to find out here. Not
11 if you're fair, because I'm sure you're all fair. It's just
12 do you have life experiences? Do you have ideas that affect
13 your ability to be the right kind of juror for this kind of
14 case in particular?

15 And the great thing about America -- and we got to
16 read your questionnaires, right? One of the beautiful things
17 about this country, and His Honor talked to us about the
18 history, okay, the thing that makes us great as a people is
19 we're all entitled to our own opinions, okay?

20 Nobody can tell you, Eric Albritton, you're wrong
21 and you have to change your mind. So what Ms. Corley thinks,
22 for instance, or what Ms. Berry thinks, everybody is entitled
23 to their own opinions.

24 So let me give you a few examples, okay? Some
25 people think that the government is doing too much. Okay.

1 They're too involved. Some people think that what the
2 government's doing is just right. And some people think that
3 the government is just not doing enough.

4 So like, for instance, let's see, who thinks, raise
5 your hand if you think that the government should be doing
6 more? Anybody feel that way? Anybody over here in the jury
7 box feel like the government ought to be doing more? How
8 about here to my right -- anybody feel like that the
9 government ought to be doing more? All right. Thank you.

10 Let me ask you another question. So this is a
11 lawsuit. Mr. Ward told you they're asking for oodles and
12 oodles of money. Lots -- lots of money. Does anybody think
13 that fact that you've got all these lawyers sitting here,
14 you've got the three of us, you've got Frank Casanova all the
15 way from Apple, all these suits are involved in this --
16 obviously lots of effort put into this, money spent, here we
17 are taking time out of your busy day, anybody feel like the
18 fact that we're to this point, there must be something to
19 these claims?

20 Okay. So let me ask you, for instance, Ms. Urbina,
21 do you feel like the fact that the -- the simple fact that we
22 got here and that we're at a jury trial, does it make you
23 think at least a little bit, you know, there must be
24 something to these claims of Core Wireless? Do you feel that
25 way?

1 JUROR URBINA: No.

2 MR. ALBRITTON: You don't feel that way. Okay.

3 Great. Thank you, Ms. Urbina.

4 How about -- let me ask you, Ms. Vandergriff. I'm
5 going to try to pick on some different people maybe,
6 Ms. Vandergriff. Ms. Vandergriff, do you feel like, you know
7 what, there are lots of suits here. Lots of people are
8 spending money, taking time out of His Honor's day. Do you
9 feel like the fact that we're here that that means that Apple
10 probably did something wrong?

11 JUROR VANDERGRIFF: No, not necessarily.

12 MR. ALBRITTON: You don't feel that way?

13 JUROR VANDERGRIFF: Huh-uh, not that Apple did
14 something wrong necessarily.

15 MR. ALBRITTON: Okay. All right. Anybody feel
16 differently?

17 For instance, let me ask you, Ms. -- or what
18 about -- let's see here, Mr. Winship, you feel like the fact
19 that we're here, that means Apple must have done something
20 wrong?

21 JUROR WINSHIP: Not necessarily, not without
22 hearing the -- both sides of the case.

23 MR. ALBRITTON: Great. Thank you, Mr. Winship.

24 All right. Ladies and Gentlemen, had -- before you
25 got that invitation to come down here today, had any of you

1 ever heard anything about this case, Core Wireless versus
2 Apple? No.

3 All right. Mr. Ward mentioned a second ago that
4 Apple came out with a watch, and that was in the -- in the
5 press, okay? Companies sometimes are in the press. Has
6 anybody in the last two weeks seen any articles or heard any
7 talk or anything about Apple? Anything negative?

8 Now, I'm not asking you what you heard, for
9 instance. I'm just saying has anybody in the last two weeks
10 seen something on TV, read it on the Internet, read it on the
11 paper, anything negative about Apple? No? Nobody has done
12 that? All right. Great.

13 All right. So Mr. Ward introduced me, and he
14 introduced himself. He practices law, just like me, over in
15 Longview. In fact, we used to practice law together a number
16 of years ago. His partners are a fellow named Wesley Hill
17 who's a lawyer -- he lives here in Tyler, and he's from over
18 in Murchison.

19 I think I pronounced that right for you --
20 Henderson people -- Henderson County people. He practices
21 with his father, who is also named John Ward, and he
22 practices with a woman named Claire Henry, who's married to a
23 lawyer named David Henry, who is also here from Tyler. They
24 live over in Longview. She's an Abernathy.

25 Have any of you ever had any experience with Johnny

1 Ward, his dad, John Ward; Wesley Hill; or Claire Henry?

2 Nobody? Has anybody ever heard of those lawyers?

3 All right. Thank you very much.

4 There are also some lawyers from here -- they're
5 from out of town. Mr. Bunsow, Ms. De Mory. Does anybody
6 know Mr. Smith, Mr. Bun -- Mr. Bunsow, and Ms. De Mory?

7 All right. Thank you.

8 Oh, Johnny's -- Mr. Ward also has one other partner
9 named Bruce Smith who lives in Longview. Anybody ever had
10 any involvement, dealings with, know Bruce Smith? Nobody?

11 All right. Thank you.

12 Now, as you know, Apple is a California company,
13 and you've heard that there are -- they sell products and
14 lots of you own them. And I can tell you for the company,
15 thank you, okay?

16 I have slightly a different question. Has anybody
17 ever had any negative experiences with Apple? You didn't
18 like your iPhone, okay? You didn't like your iPad? You
19 talked to somebody at customer service, and you thought that
20 they were ugly to you?

21 I'm going to ask here on the first row, Mr. Juno's
22 row? Has anybody had any negative experiences with Apple in
23 any way?

24 Okay. What about on Ms. Corley's row, that's the
25 second on row. Anybody had any negative experiences with

1 Apple in any way?

2 All right. How about on Ms. Urbina's row? That's
3 the first row over here. Anybody have any negative
4 experiences with Apple?

5 And lastly, on Ms. Williams's row, which is the
6 last row, anybody have --

7 Would you give me my water, please, Mr. Mueller?

8 Anybody ever had any negative experiences with
9 Apple? All right. So nobody ever has, right?

10 All right. Now, I notice -- we read these
11 questionnaires, and some people said that they had a negative
12 impression of some companies.

13 So let me ask you, Mr. -- and I'm going to butcher
14 this, I'm quite certain. But Mr. -- I wrote it down
15 phonetically -- Krolczyk. Did I say that pretty closely?

16 JUROR KROLCZYK: Yes, sir. That was adequate
17 pronunciation.

18 MR. ALBRITTON: Good. At least I did something
19 right. Have you had -- do you have a negative impression or
20 negative feelings about Apple in any way?

21 JUROR KROLCZYK: Not necessarily. Just -- did I
22 answer so?

23 MR. ALBRITTON: I believe you did. I wasn't sure
24 if that was a mistake or if that's --

25 JUROR KROLCZYK: Maybe just that -- I don't know,

1 their products are expensive and everyone has them and talks
2 about them, so that's kind of annoying.

3 MR. ALBRITTON: Okay.

4 JUROR KROLCZYK: All my friends.

5 MR. ALBRITTON: All right. I hear you.

6 What about Ms. Strickland, No. 20? Ms. Strickland,
7 I notice that you had indicated some negative feeling towards
8 all of the companies involved in this case. Do you have
9 negative feelings with respect to Apple?

10 JUROR STRICKLAND: No.

11 MR. ALBRITTON: You don't?

12 JUROR STRICKLAND: No, sir.

13 MR. ALBRITTON: Okay. Is it just you don't like
14 big companies generally or?

15 JUROR STRICKLAND: I don't have no problem with
16 them.

17 MR. ALBRITTON: No problems at all? Okay. Thank
18 you very much.

19 Now, Mr. Woodard, Mr. Ward mentioned the NSA, and,
20 you know, do you have -- you know, there's been press about
21 some companies like Microsoft, I think, cooperating with the
22 NSA. And, I mean, do you have any negative impressions of
23 Apple because you might believe they've done something in
24 that regard?

25 JUROR WOODARD: Not any more so than any of the

1 others.

2 MR. ALBRITTON: Okay. So you think all big
3 companies are in bed with the government?

4 JUROR WOODARD: Yes.

5 MR. ALBRITTON: Okay. Well, thank you very much.

6 Now, Mr. Ward told you about these companies. So
7 you've got Core Wireless that's owned by this company called
8 Conversant, and that's who Mr. Lindgren works for.

9 Conversant is owned by a private -- largely by a
10 private equity firm called Sterling Partners. Conversant is
11 a Canadian company.

12 Does anybody have an experience with Sterling
13 Partners or Conversant in any way?

14 Okay. Just like Mr. Ward asked you about stock,
15 does anybody on the jury panel own Microsoft stock? See a
16 show of hands of anybody that owns Microsoft stock?

17 What about Nokia stock? Does anybody own any Nokia
18 stock?

19 All right. Thank you very much.

20 Let me see a show of hands of anybody that's ever
21 either themselves or somebody that was close to them or one
22 of their family members ever filed a lawsuit? That means
23 they were the Plaintiff in a lawsuit?

24 How about on Mr. Juno's row, anybody that was ever
25 a Plaintiff, either you or somebody very close to you that

1 was a Plaintiff in a lawsuit?

2 How about on Ms. Corley's row? Yes, ma'am, that's
3 Ms. -- Ms. Hiebring (sic)?

4 JUROR HIEBING: Hiebing.

5 MR. ALBRITTON: Hiebing.

6 JUROR HIEBING: Hiebing is correct.

7 MR. ALBRITTON: I'm sorry. I mispronounced it.

8 Tell us about that.

9 JUROR HIEBING: I know someone who has a business
10 that they manufacture and distribute athletic gear, and they
11 produced a number of products that they got patents on. And
12 subsequently, other companies seeing that they were selling,
13 decided to try and make those; and so they filed suit because
14 of infringement on their patents.

15 MR. ALBRITTON: Okay. And do you know where that
16 happened?

17 JUROR HIEBING: Where the --

18 MR. ALBRITTON: Was that here in East Texas, for
19 instance?

20 JUROR HIEBING: No. I mean, the company is a
21 Longview company, but I don't believe the cases were handled
22 locally.

23 MR. ALBRITTON: Okay. But the Longview company was
24 the company that actually filed the lawsuit?

25 JUROR HIEBING: Yes.

1 MR. ALBRITTON: What was the name of that company?

2 JUROR HIEBING: IAD.

3 MR. ALBRITTON: IAD?

4 JUROR HIEBING: Yes.

5 MR. ALBRITTON: Now, how close are you affiliated
6 with them? Are you personal friends with the folks that own
7 that company or work at that company, or what's your
8 relationship with them?

9 JUROR HIEBING: Yes, yes.

10 MR. ALBRITTON: Okay. Did your involvement in the
11 matter, the fact that your friends were involved in a patent
12 infringement lawsuit, would that start you out leaning in
13 this case a little bit in favor of Core Wireless because
14 they're in a situation similar to the situation that your
15 friends were in?

16 JUROR HIEBING: No, sir.

17 MR. ALBRITTON: Okay. So that wouldn't affect your
18 ability to serve in any way?

19 JUROR HIEBING: No.

20 MR. ALBRITTON: Great. Thank you, Ms. Hiebing --
21 Hiebing.

22 All right. How about on Ms. Urbina's row? Anybody
23 ever been involved in a lawsuit either directly or a close
24 family friend or relative that was a Plaintiff in a lawsuit?

25 All right. Thank you very much.

1 Let me ask you a slightly different question, okay?
2 And that's this: Has anybody ever thought they were wronged
3 and they wanted to file a lawsuit but weren't able to file a
4 lawsuit for some reason?

5 All right. I see a hand that went up back here.

6 That's Mr. Armstrong. You -- I'll wait until
7 Mr. Jordan (sic) hands that to you.

8 You were in a situation where you wanted to file a
9 lawsuit, but you were unable to for some reason?

10 JUROR ARMSTRONG: Yes. My house caught fire April
11 of last year, and a fellow had clear cut the land back there
12 behind it; and as he had fire going, it caught my house
13 afire.

14 And I've got with the Fire Marshals and everything,
15 and they say that I would have to go within the benefit of
16 the doubt, you know, showing that he started the fire. But
17 the fire started on his place, but yet it's still hard to --
18 to come up with that.

19 MR. ALBRITTON: Yes, sir.

20 JUROR ARMSTRONG: And the man's got money, and it's
21 kind of hard to fight a man that's got money.

22 MR. ALBRITTON: Yes, sir. Okay. Thank you very
23 much, Mr. Armstrong.

24 Anybody else, particularly over here on Mr. Juno's
25 row? Anybody ever wanted to file a lawsuit but couldn't for

1 some reason?

2 How about on Ms. Corley's row?

3 How about on Ms. Urbina's row?

4 And anybody back on Mr. Armstrong's row? Thank you
5 very much.

6 Now, we noticed that there were a number of
7 people -- well, let me ask you this, Ms. Hiebing. We saw on
8 your questionnaire that you were -- either you or somebody
9 that you were close with was involved in the development for
10 the marketing of a product. Is that what you were just
11 telling us about?

12 JUROR HIEBING: Yes.

13 MR. ALBRITTON: Great. Thank you very much,
14 Ms. Hiebing.

15 Lots of folks said on their questionnaire that they
16 were leaders, okay? And so I want to ask a few questions
17 about that.

18 So, Ms. Cox, for instance, you said that you
19 identify yourself as a leader.

20 She's No. 25, Mr. Jordan.

21 THE COURT: Blanton -- it's Blanton.

22 MR. ALBRITTON: Blanton, I mean. Goodness,
23 gracious. Of course. Mr. Blanton and I have known each
24 other for years and years, and I apologize.

25 THE COURT: All right. Let's continue.

1 MR. ALBRITTON: Yes, ma'am, did you ever -- you
2 said that you -- you identify yourself as a leader; is that
3 right?

4 JUROR COX: I guess. I didn't realize I did that,
5 but okay.

6 MR. ALBRITTON: Okay. Well, is that the way you
7 would describe yourself?

8 JUROR COX: I have two boys so I -- you know, I --
9 I'm the football mom at our local school. You know, I get
10 parents involved in helping with boosters and stuff, so,
11 okay.

12 MR. ALBRITTON: Okay. Great. Thank you very much.
13 So let me ask a broader question instead of calling
14 on all of you. Let me see a show of hands if you're the type
15 of person that you're usually the first person to give your
16 opinion.

17 So if you're in a group of people and you're
18 talking about some subject, you know, who ought to make the
19 college football playoff or whatever it would be, okay,
20 get -- let us see a show of hands if you're one of the people
21 that typically -- you're the kind of person that typically
22 you're the first one to give your opinion.

23 Ms. Corley. That's No. 7, right?

24 Thank you very much.

25 What about -- Mr. Juno, you're the same way?

1 All right. That's No. 1, Mr. Juno.

2 How about anybody else on Mr. Juno's row?

3 How about anybody else on Ms. Corley's row?

4 Yes, sir. That's you, Mr. Scott. You're one of
5 the people that typically gives your opinion first?

6 JUROR SCOTT: Yes, sir.

7 MR. ALBRITTON: All right. How about over here on
8 Ms. Urbina's row?

9 Yes, ma'am. That's Ms. Saucier, No. 17.

10 All right. Anybody else on Ms. Urbina's row?

11 And how about on our last row?

12 That's right. That's Mr. Krolczyk, 26. You're the
13 same.

14 All right. Thank you.

15 Mr. Roberts, we noticed from your questionnaire
16 that you previously were on a jury, and you were actually the
17 foreman; is that right?

18 JUROR ROBERTS: Correct.

19 MR. ALBRITTON: If you would -- thank you.

20 I'm not asking how y'all voted, but I'm curious.
21 Was the ultimate verdict -- did it come out the way that you
22 voted first; that is, when you went in the room and you voted
23 and you voted yea or nay, okay --

24 JUROR ROBERTS: Yes, it did.

25 MR. ALBRITTON: -- it came out the way that you

1 voted originally?

2 JUROR ROBERTS: Yes.

3 MR. ALBRITTON: All right. Thank you very much.

4 Now, we're all different kinds of folks. Of
5 course, we've got our backgrounds. And so like some people
6 really love technology. So like at my house, when we buy a
7 new electronic device, my wife will sit down and read the
8 manuals. I'll confess. I've never read a manual in my
9 entire life, okay?

10 So my question for you is: Let me see a show of
11 hands if you're the type of person like Eric Albritton, that
12 is, you never read the manuals to your new devices?

13 Anybody on Mr. Juno's row?

14 So we've got Mr. Juno. We've got Ms. Ray. We've
15 got Mr. Winship. We've got Mr. Rogers.

16 Ms. Corley, you raised your hand?

17 Okay. Anybody else?

18 Yes, sir. Then we've got Mr. Neal and Mr. Scott.

19 How about over here on Ms. Urbina's row?

20 Mr. Gowin. Or is it Gowin (pronouncing)?

21 JUROR GOWIN: Gowin.

22 MR. ALBRITTON: Gowin. Okay.

23 And yes, sir, that's Mr. Freeman. You're the same
24 way.

25 All right. Well, let me ask you this: It's a

1 related question, and that is, raise your hand if this
2 describes you. I know less about technology than most
3 people, okay?

4 Yes, ma'am. So we've got -- on our second there,
5 we've got Ms. Hiebing, and then we've got Mr. Neal. Okay.
6 And we've got Mr. Winship.

7 All right. And we've got Mr. Rogers, No. 6.

8 All right. How about over here?

9 We've got Ms. Hannah. We've got Ms. Vandergriff.

10 We've got Mr. Roberts and Mr. Freeman. And then on
11 our back row, we've got Ms. Williams.

12 All right. Thank you very much, folks.

13 Now, there was a question asked on the
14 questionnaire that said something to this nature: Has
15 someone ever taken something important or valuable to you?

16 Okay. Y'all remember that question?

17 Well, I'm going to ask a slightly different
18 question, okay, but it falls within the same category. And
19 we're going to go row by row starting with Mr. Juno's row.

20 That is, has anybody ever taken an idea from you or
21 something that you've created?

22 Okay. Anybody -- Mr. Juno feels that way.

23 Okay. Anybody else on Mr. Juno's row?

24 All right. Ms. -- how about on Ms. Corley's row?

25 Anybody ever felt like somebody took an idea or

1 something that you created, from you wrongfully?

2 Okay. Nobody there?

3 How about over here on Ms. Urbina's row? Does
4 anybody feel like anybody ever took an idea or something that
5 you created wrongfully from you?

6 Nobody on Ms. Urbina's row.

7 And then how about on Ms. Williams' row?

8 Nobody's had that experience?

9 All right. Thank you very much.

10 His Honor talked to you about the burden of proof.

11 So the burden of proof, as Mr. Ward said and His
12 Honor told you, lies on Core Wireless to prove infringement.
13 That means that they have to show you that Apple actually
14 uses these patents.

15 THE COURT: You're going to need to speak up, Mr.
16 Albritton, when you're not into the microphone.

17 MR. ALBRITTON: Oh, I apologize, Your Honor.

18 It is -- it's Core Wireless's burden to prove what
19 they allege, that is, that Apple uses these patents.

20 Now, Apple, of course, as you've heard, says that
21 that's not true, okay? But does anybody feel like the fact
22 that we're here in court, again, all these people, all of
23 this involved; that, you know what, Core Wireless shouldn't
24 really have to prove that Apple did something wrong, but that
25 actually Apple should have to prove that it didn't do

1 anything wrong?

2 Does anybody feel that way?

3 Ms. Corley, how about you? Do you feel that way?

4 JUROR CORLEY: No, sir.

5 MR. ALBRITTON: Okay. Thank you.

6 How about over here?

7 Ms. Hannah, do you feel that Apple ought to have to
8 prove that it didn't do anything wrong in this case?

9 THE COURT: Let's use the microphone, please.

10 JUROR HANNAH: No, sir. I haven't heard any of the
11 facts yet.

12 MR. ALBRITTON: Okay. Of course. And that's
13 exactly right. But -- but as we go through this trial, do
14 you think that Apple ought to have to prove that it didn't do
15 something wrong, or do you think that Core Wireless ought to
16 have to -- have to prove that Apple did something wrong?

17 JUROR HANNAH: I would think Core would need to
18 prove, and -- and the Judge would read the charge and -- and
19 let us know what we need to go by.

20 MR. ALBRITTON: Yes, ma'am. I agree. Thank you
21 very much.

22 Let's talk to Ms. Vandergriff.

23 Ms. Vandergriff, do you feel like Apple ought to
24 have to prove it did nothing wrong?

25 JUROR VANDERGRIFF: Well, I -- from what I'm

1 gathering is Core is bringing the suit against you, so I
2 would think that they would have to prove that you were doing
3 something wrong.

4 MR. ALBRITTON: Great. Thank you.

5 Does anybody feel differently? That is, anybody
6 feel like Apple ought to -- since we're here at court, okay,
7 in this beautiful federal courthouse, that Apple really ought
8 to have to prove it did nothing wrong?

9 Ms. Saucier, you feel that way?

10 JUROR SAUCIER: Yes, I do. I feel like, you know,
11 you're suing him. We need to hear your facts, and you need
12 to defend yourself, and we need to hear, you know, what
13 you've got, too.

14 MR. ALBRITTON: Okay. So -- so let me ask it to
15 you this way, okay? His Honor is going to instruct you that
16 it's their burden of proof.

17 JUROR SAUCIER: Uh-huh.

18 MR. ALBRITTON: They have to prove infringement by
19 a preponderance of the evidence.

20 JUROR SAUCIER: Right.

21 MR. ALBRITTON: And Apple, His Honor is going to
22 tell you, has no burden of proof at all with respect to
23 infringement.

24 So the way that it works is, if they don't prove it
25 by a preponderance, then you have to find Apple did nothing

1 wrong, okay? That's what the Judge is going to instruct you.

2 Based on how you feel and -- and where you come
3 into this case, is it going to be hard for you to follow that
4 instruction, and are you going to feel like that Apple really
5 needs to prove that it did nothing wrong?

6 JUROR SAUCIER: Yes, I do.

7 MR. ALBRITTON: Okay. So no matter what the Judge
8 says or anybody says -- and I understand His Honor just wants
9 a fair jury like the rest of us.

10 JUROR SAUCIER: I -- you know, I will do what you
11 tell me to do, but in the back of my -- I would want to hear
12 what y'all had to say.

13 MR. ALBRITTON: Okay. All right. Thank you very
14 much.

15 Does anybody else feel the same way as Ms. Saucier?
16 How about you, Ms. Hiebing? Do you feel that way a little
17 bit?

18 JUROR HIEBING: (Shakes head negatively.)

19 MR. ALBRITTON: You're shaking your head that you
20 do not.

21 JUROR HIEBING: No.

22 MR. ALBRITTON: Okay. Great.

23 Mr. Ward talked to you about the -- they had to
24 spend money involved to get to court, okay? Does anybody
25 feel like merely because of the fact that there was a lawsuit

1 filed, that Core Wireless ought to at least get some money
2 out of the end of this case? Does anybody feel that way?

3 What about you, Ms. Berry? Do you feel that way?

4 JUROR BERRY: No.

5 MR. ALBRITTON: She said no.

6 Okay. Thank you, Ms. Berry.

7 What about you, Mr. -- what about you,
8 Ms. Vandergriff? Do you feel like since we've gotten here,
9 they must -- "they" being Core Wireless must be entitled to
10 some amount of money?

11 JUROR VANDERGRIFF: Not necessarily. If they don't
12 win the case, they don't deserve it.

13 MR. ALBRITTON: Thank you very much.

14 Ms. Strickland, how about you? Right here on the
15 end.

16 THE COURT: Mr. Albritton, I'm going to let this
17 panel member answer, but this is the third time you've just
18 asked just because we got here.

19 JUROR STRICKLAND: No.

20 THE COURT: So we need to move on to another
21 question.

22 MR. ALBRITTON: Thank you, Your Honor.

23 All right. That actually -- fortunately for all of
24 y'all, that was my last substantive question.

25 So I'm going to ask you a follow-up question, and

1 that is, does anybody -- is somebody sitting there thinking:
2 You know what, if Mr. Albritton had just asked me something
3 else, I would have told him something that he really would
4 want to know or that if I were in his shoes, I would want to
5 know.

6 So I'm going to go through on Mr. Juno's row. Is
7 there something on -- that any of you are thinking that,
8 goodness gracious, if Mr. Albritton had told me this, I would
9 have told him this, and this is something he really ought to
10 know?

11 Anybody on Mr. Juno's row?

12 How about on Ms. Corley's row?

13 Yes, sir. That's Mr. Neal?

14 JUROR NEAL: I may be out of -- out of order here.

15 Your technology on cell phones, is this what this
16 is going --

17 MR. ALBRITTON: Yes, sir.

18 JUROR NEAL: I hadn't got a clue on a cell phone or
19 anything.

20 MR. ALBRITTON: Okay.

21 JUROR NEAL: I don't own one. Don't even know how
22 to operate one.

23 MR. ALBRITTON: Okay.

24 JUROR NEAL: And I want to be clear on that fact.

25 MR. ALBRITTON: I very much --

1 JUROR NEAL: I have no idea what you're talking
2 about.

3 MR. ALBRITTON: I very much appreciate that.

4 How about over here on Ms. Urbina's row?

5 Anybody -- yes, ma'am. Ms. Hannah.

6 JUROR HANNAH: Well, I would say like him on the
7 technology. I have a little flip phone. As my children say,
8 I need to get with the world. I don't -- I don't -- I work
9 on a computer all day at work, so I don't have one at home.
10 Don't care to be involved in all that.

11 MR. ALBRITTON: Yes, ma'am.

12 JUROR HANNAH: And -- but that wouldn't, I don't
13 think, make me not be able to make a fair decision.

14 MR. ALBRITTON: Great. Thank you very much,
15 Ms. Hannah.

16 Anybody else on Ms. Hannah's row?

17 And then finally how about Ms. Williams' row?

18 All right. Folks, thank y'all very much. We
19 appreciate you answering our questions. I know that we're
20 all, you know, asking you about some personal things, and
21 we're not trying to pick on anybody in particular; we're just
22 trying to find out if you're the right kind of person to sit
23 on this jury.

24 And I'm going to sit down, and then Mr. Mueller
25 will talk to you after lunch about Apple's positions in this

1 case and why -- what Apple thinks.

2 Thank y'all very much.

3 All right. Counsel, approach the bench, please?

4 (Bench conference.)

5 THE COURT: All right. Let's all speak into this
6 as you speak, one at a time.

7 Mr. Ward, does the Plaintiff have any challenges
8 for cause?

9 MR. WARD: Yes, Your Honor.

10 No. 1, No. 10, No. 17.

11 THE COURT: All right. 1, 10, 17, Plaintiff's
12 challenges for cause.

13 Does Defendant have any more?

14 MR. WARD: I'm sorry. That was --

15 THE COURT: Sure.

16 Mr. Albritton, does Defendant have any challenges
17 for cause?

18 MR. ALBRITTON: No, we do not, Your Honor.

19 THE COURT: All right. All right. Then take your
20 places, and we'll bring them up here to talk to them.

21 (Bench conference concluded.)

22 THE COURT: All right. Ladies and Gentlemen, I'm
23 going to excuse most of you for just a few moments. And
24 those of you that I do not excuse, I'm going to ask you to
25 stay in your places after the rest of the panel exits the

1 courtroom.

2 I'm not excusing right now, though you'll be
3 joining the group shortly, Panel Member No. 1, Mr. Juno;
4 Panel Member No. 10, Mr. Childress; Panel Member No. 17, Ms.
5 Saucier; and Panel Member No. 18, Mr. Roberts.

6 The rest of you I'm going to excuse you at this
7 time with these instructions: You'll have to wait outside
8 the courtroom, but take this opportunity to visit the
9 restroom, the water fountain, stretch your legs, but stay
10 close to this area. Don't wander throughout this whole
11 building, because it is a big building. Stay in this general
12 area. Don't go outside. Don't leave the building.

13 And I want to remind you that you shouldn't discuss
14 anything that's happened in the courtroom this morning. And
15 that's in part because you haven't heard any evidence at all.

16 What you've heard this morning is not evidence in
17 this case.

18 However, I'm instructing you, talk about the
19 weather, talk about what's going on with your kids, talk
20 about where you're going for vacation this summer, talk about
21 anything you want to talk about except anything that's
22 happened in the courtroom this morning.

23 So with the exceptions of Panel Members No. 1, No.
24 10, No. 17, and No. 18, and with those instructions, the rest
25 of you are excused at this time.

1 COURT SECURITY OFFICER: All rise for the jury
2 panel.

3 (Jury panel out.)

4 THE COURT: All right. Be seated, please.

5 Counsel, if you'd approach the bench.

6 (Bench conference.)

7 MR. WARD: Your Honor?

8 THE COURT: Let's save a spot for all the people
9 we're going to bring up.

10 MR. WARD: I found myself in the same shoes as Mr.
11 Albritton. I didn't tell you about somebody, No. 19. He
12 said he'd hold us to a higher burden on damages. Mr.
13 Freeman.

14 THE COURT: Yeah, he did say he could set it aside.
15 I've already sent him out.

16 Defendant have any objection to his challenge for
17 cause as untimely?

18 MR. ALBRITTON: No, we don't.

19 (Open court.)

20 THE COURT: All right. Mr. Blanton, would you come
21 forward?

22 (Discussion off the record.)

23 THE COURT: Mr. Juno, would you come around and
24 join us up here, please, sir?

25 (Bench conference continued.)

1 THE COURT: This is the microphone, Mr. Juno. If
2 you'll just kind of whisper into it, and I'll talk toward it
3 as well.

4 During the questioning this morning, you indicated
5 that people had claimed you had infringed before and that you
6 probably leaned toward the Defendant, in all honesty; but you
7 did say that you'd be fair, and you did say that you felt
8 like perhaps there might need to be more than a preponderance
9 of the evidence required by the Plaintiff.

10 So I guess my question to you is this: Do you
11 think you can be fair and impartial and base any decision you
12 make in this case as a part of the jury, solely and only on
13 the evidence having listened to all the evidence in the case?
14 Do you have any question in your mind that you can do that?

15 JUROR JUNO: No, I can do that.

16 THE COURT: All right. And if I instruct you that
17 you are to apply a preponderance of the evidence standard in
18 deciding how to answer those questions, can you do that, even
19 if you might personally think that there should be more or
20 less required of the parties?

21 JUROR JUNO: I can do that.

22 THE COURT: Okay. Do you have any question that
23 you can do what I tell you to do if you're on this jury?

24 JUROR JUNO: No.

25 THE COURT: All right. Mr. Ward, do you have any

1 questions of Mr. Juno?

2 MR. WARD: Very briefly.

3 When I was questioning you, you indicated that you
4 would have difficulty with that. I understand that the Judge
5 has asked that question.

6 How will you do that? How is it that you'll now be
7 able to set it aside and follow His Honor's instructions when
8 earlier you told me that you wouldn't be able to do that.

9 You had some more time to think about it?

10 JUROR JUNO: And that's why I'm here. I'm supposed
11 to judge, I guess, and be fair and do what I'm supposed to do
12 and what's required of me as a juror. And it would be
13 something that I -- like I said, would have been hard or
14 would be hard for me to do; but if it's what I'm supposed to
15 do on here, then I can do it, so...

16 THE COURT: You can follow my instruction?

17 JUROR JUNO: Yes.

18 THE COURT: Okay.

19 MR. WARD: Nothing further.

20 THE COURT: Anything, Mr. Albritton?

21 MR. ALBRITTON: No, sir.

22 THE COURT: All right. Mr. Juno, I'm going to let
23 you join the rest of the group outside.

24 JUROR JUNO: Okay.

25 THE COURT: Just don't discuss anything that's

1 happened in here.

2 JUROR JUNO: I won't.

3 THE COURT: Thank you.

4 JUROR JUNO: Thank you.

5 (Juror Juno leaves the courtroom.)

6 (Open court.)

7 THE COURT: Mr. Childress, would you come forward?

8 (Bench conference continued.)

9 MR. ALBRITTON: I think we'll agree that he's
10 disqualified if he owns Apple stock, Your Honor.

11 THE COURT: Mr. Childress, did you tell the Court
12 this morning that you do own Apple stock?

13 JUROR CHILDRESS: That's correct, Your Honor.

14 THE COURT: Okay. You own that in your name
15 personally?

16 JUROR CHILDRESS: That's correct.

17 THE COURT: Any questions for Mr. Childress?

18 MR. WARD: No, sir.

19 MR. ALBRITTON: No, sir.

20 THE COURT: Mr. Childress, I'm going to let you
21 join the rest of the group outside. Just don't discuss
22 anything that happened in here.

23 JUROR CHILDRESS: All right.

24 THE COURT: Thank you.

25 (Juror Childress leaves the courtroom.)

1 THE COURT: All right. I'm going to excuse
2 Mr. Childress. And I'm not going to excuse Mr. Juno.
3 Mr. Juno remains on the panel.

4 (Open court.)

5 THE COURT: All right. Ms. Saucier, would you come
6 forward, please?

7 (Bench conference continued.)

8 THE COURT: Good morning. If you'd step up here.
9 And I'm sorry. It may be Saucier or Saucier
10 (pronouncing).

11 JUROR SAUCIER: It's Saucier (pronouncing), but we
12 have to say Saucier (pronouncing) here in Texas.

13 THE COURT: You won't believe how many times
14 Gilstrap has been butchered --

15 JUROR SAUCIER: I understand.

16 THE COURT: -- so I'm sensitive to that.

17 JUROR SAUCIER: I understand.

18 THE COURT: All right. I have a question for you.

19 JUROR SAUCIER: Okay.

20 THE COURT: You indicated that the Plaintiff might
21 need a higher burden of proof, if it were up to you
22 personally, than a preponderance of the evidence; and then
23 you made it very clear that you think what the Plaintiff is
24 asking for is an awful lot of money.

25 JUROR SAUCIER: Uh-huh, I do.

1 THE COURT: And that's -- that's perfectly --
2 that's perfectly okay.

3 JUROR SAUCIER: See, I don't know how they got to
4 that amount. I mean, who gets what?

5 THE COURT: Well, that's what the trial will be
6 about.

7 JUROR SAUCIER: Uh-huh.

8 THE COURT: My question is: Can you treat both of
9 these parties the same starting out, equal in your mind? Can
10 you listen to all the evidence; and only after you've heard
11 all the evidence, make any decisions about any of the issues
12 in this case?

13 JUROR SAUCIER: I would be fair.

14 THE COURT: And can you -- can you be fair and
15 impartial?

16 JUROR SAUCIER: I can be fair, uh-huh.

17 THE COURT: And even if you might personally think
18 this ought to require more or less proof, whatever I instruct
19 you, if you're on the jury, as to the level of proof and the
20 burden of proof, you can follow those instructions?

21 JUROR SAUCIER: I would do exactly what you told me
22 to do.

23 THE COURT: Okay. I appreciate that. My mother
24 was a schoolteacher.

25 JUROR SAUCIER: You understand.

1 THE COURT: I do understand.

2 Mr. Ward, do you have any questions?

3 MR. WARD: Just briefly.

4 I understand you'll follow His Honor's
5 instructions; but regardless of that, do you start out
6 leaning in favor of Apple based upon --

7 JUROR SAUCIER: I don't -- neither one of them. I
8 don't lean toward either one of them.

9 MR. WARD: You don't lean either way?

10 JUROR SAUCIER: Huh-uh.

11 MR. WARD: All right. Thank you.

12 THE COURT: Mr. Albritton?

13 MR. ALBRITTON: No questions, Your Honor.

14 JUROR SAUCIER: Okay.

15 THE COURT: Ms. Saucier, you can join the rest of
16 the group outside.

17 JUROR SAUCIER: Okay.

18 THE COURT: Just don't discuss anything that
19 happened in here.

20 JUROR SAUCIER: Okay. Thank you.

21 (Juror Saucier leaves the courtroom.)

22 THE COURT: All right. She's not excused. She
23 remains on the panel.

24 (Open court.)

25 THE COURT: Mr. Roberts, would you come forward?

1 (Bench conference continued.)

2 JUROR ROBERTS: Yes, sir.

3 THE COURT: Mr. Roberts, you indicated very early
4 that you had a scheduling problem.

5 JUROR ROBERTS: Yes, sir.

6 THE COURT: What's that scheduling problem?

7 JUROR ROBERTS: Monday, VA, for getting this
8 operated on (indicating).

9 THE COURT: Okay.

10 JUROR ROBERTS: And they'll inject an acid form.

11 THE COURT: And this is a real sensitive
12 microphone, so don't touch it, please.

13 Your hands are going to be operated on?

14 JUROR ROBERTS: This one's already done, and so
15 they're going to correct this one (indicating).

16 THE COURT: I see.

17 JUROR ROBERTS: And Monday they'll inject the acid,
18 and Tuesday they'll straighten it.

19 THE COURT: And that's Monday of next week?
20 And where will that be?

21 JUROR ROBERTS: VA hospital there in Dallas.

22 THE COURT: In Dallas.

23 Okay. How long have you had that appointment?

24 JUROR ROBERTS: It's been going on now
25 two-and-a-half years trying to get this done.

1 THE COURT: Okay. All right. Well, I'm not going
2 to ask you to reschedule that, and this trial is definitely
3 going to go through Monday of next week. But I am going to
4 ask you to join the rest of the group outside and not discuss
5 anything about what's been discussed here in the courtroom.

6 JUROR ROBERTS: Yes, sir.

7 THE COURT: Thank you, sir.

8 (Juror Roberts leaves the courtroom.)

9 THE COURT: All right. I'm going to excuse Mr.
10 Roberts.

11 MR. ALBRITTON: I don't think we're going to get
12 through 19.

13 MR. WARD: No.

14 MR. ALBRITTON: We're just going to be striking
15 through 17, it looks like.

16 THE COURT: All right. You're both satisfied we
17 need Mr. Freeman?

18 MR. WARD: 16, 17.

19 MR. ALBRITTON: Yeah. Strike through 17.

20 THE COURT: Okay.

21 (Open court.)

22 THE COURT: No. Mr. Freeman, you can -- you can
23 join the rest of the group outside. We don't need you after
24 all. Thank you, though.

25 (Juror Freeman leaves the courtroom.)

1 THE COURT: All right. Counsel, how long do you
2 need to strike your list?

3 MR. WARD: 15 minutes.

4 MR. ALBRITTON: Yes, sir, please.

5 THE COURT: All right. It's almost 20 after. I'll
6 give you until 35 after.

7 MR. ALBRITTON: Thank you very much, Your Honor.

8 THE COURT: All right.

9 (Bench conference concluded.)

10 THE COURT: All right. The Court is going to stand
11 in recess until counsel exercise their peremptory challenges
12 which should be 10:35 this morning. Until such time, the
13 Court stands in recess.

14 COURT SECURITY OFFICER: All rise.

15 (Recess.)

16 (Jury panel out.)

17 COURT SECURITY OFFICER: All rise.

18 THE COURT: Be seated, please.

19 Counsel, approach the bench, please.

20 (Bench conference.)

21 THE COURT: Is there some -- is there some issue
22 that's arisen before we finalize your strikes?

23 MR. WARD: I do not believe so, Your Honor. We
24 were going to preserve what we believe is error not striking
25 No. 1; but that puts No. 19 in play which we'd burn a strike

1 on him, so it -- if it was error, it would be harmless error.

2 So we don't have anything we need to put on the record.

3 THE COURT: Anything from the Defendant?

4 MR. ALBRITTON: No, sir.

5 THE COURT: All right. Wait a minute before you
6 leave.

7 During -- during the preliminary instructions and
8 while you were introducing your counsel, I inadvertently was
9 looking in the direction of Mr. Ward but looking at his
10 father over his shoulder and I said thank you, Your Honor, on
11 the record. You all may not have caught it.

12 MR. WARD: I missed that.

13 THE COURT: But I did because I've called your dad
14 Your Honor for 13 years. If anybody has a problem with that,
15 speak now and I'll instruct the panel to disregard that
16 comment.

17 MR. ALBRITTON: We have no objection, Your Honor.

18 THE COURT: Anybody have an objection? I don't
19 want to see it in the post-trial briefing.

20 MR. ALBRITTON: No, sir. No objection whatsoever.

21 THE COURT: All right. Thank you. All right.

22 Take your places.

23 MR. ALBRITTON: It's hard for me, as well, Your
24 Honor.

25 (Bench conference concluded.)

1 COURT SECURITY OFFICER: All rise for the jury.

2 (Jury in.)

3 THE COURT: All right. Please be seated.

4 Ladies and Gentlemen, if you will listen carefully
5 as your name is called. When your name is called, please
6 come forward and take your seat in the jury box. We're going
7 to seat eight jurors in this case.

8 We, obviously, have a jury box that holds 12, so
9 this is the way I'd like you to sit in the box when your
10 names are called.

11 The first four jurors, I'd like to sit on the front
12 row of the jury box. The second four jurors sit on the
13 second row of the jury box.

14 And if Juror No. 1 who's called, if you would come
15 into the box from the far end from where I'm seated where Mr.
16 Blanton is standing, if you'd come into the front row and
17 stand in front of the fourth chair, leaving the last two
18 chairs, for me, vacant.

19 The second row do the same thing, and that way the
20 four on the front and the four on the back will be the
21 furthest toward where you are now, and that will better
22 position you in the courtroom to see the exhibits and hear
23 the testimony as we go into the trial.

24 So with those instructions, Ms. Lockhart, if you
25 will call the names of our eight jurors.

1 COURTROOM DEPUTY: Yes, sir.

2 Pamela Ray, Terry Shiflet, William Rogers, Derrell
3 Neal, Robert Scott, Irma Urbina, Gail Hannah, and Toby Gowin.

4 THE COURT: All right. All of you who have been
5 here this morning as part of the panel that were not selected
6 in this case, I'm about to excuse you; but as I excuse you, I
7 want to tell you in the most sincere terms I can call forward
8 how much the Court appreciates you being here.

9 It's a rainy, messy morning. It was not easy to
10 get here from your homes. I know that every one of you have
11 other places that are important for you to be at and other
12 things that you needed to do. The Court is very well aware
13 that you've made a sacrifice to be here, and you have the
14 sincere thanks and appreciation of the Court.

15 Even though you weren't selected to serve on this
16 jury, you have done very real public service by being here.

17 Had you not been here, had we not had everyone
18 present this morning when we began, we would not have been
19 able to select this jury. And without this jury, we would
20 not able to try this case. So you have, as I say, performed
21 very valuable and significant public service.

22 You have the thanks of the Court, the thanks of
23 counsel, the thanks of the parties, and the thanks of the
24 Court's staff.

25 The only thing I can ask is in the future, if

1 you're selected for jury service again, just show up with the
2 same positive and constructive attitude that I've seen from
3 each one of you this morning.

4 Again, thank you very much. You are excused at
5 this time.

6 COURT SECURITY OFFICER: All rise for the jury
7 panel.

8 (Jury panel out.)

9 THE COURT: All right. If everyone except the
10 members of the jury would be seated, please.

11 Ms. Lockhart, will now administer the oath to each
12 of the members of the jury.

13 (Jurors sworn.)

14 THE COURT: Be seated, please.

15 Ladies and Gentlemen of the Jury: We're about to
16 recess for lunch.

17 One of the things that I want to make you aware of
18 is that lunch is going to be provided for you today and each
19 day during the trial. Both sides together are bearing the
20 cost of providing lunch to the jury.

21 That's so that you will not have to leave the
22 courthouse, find a place to have lunch, and then return. It
23 will save us time. We'll be able to take less time for lunch
24 breaks. It will be convenient for you. You won't have to
25 get out in the weather, and it will move the process more

1 efficiently forward.

2 So I want you to know that that will be something
3 you can look for each day that you're here in trial.

4 Before you leave today sometime, I would like you
5 to make sure that either the Clerk's Office or Ms. Lockhart
6 has a good cell phone number for you, so if anything were to
7 come up that we needed to reach you, say, after you're
8 excused one evening and before you report the next morning,
9 that we can get ahold of you.

10 No emergency, but just before you leave the
11 building today, see that we have a good-working, accurate
12 cell phone number that we can communicate with you if, in the
13 unlikely event, we need you afterhours so we'll be able to.

14 Now, before we do break for lunch, I have just a
15 couple more instructions that I want to go over with you; and
16 the first one is probably the most important one, although
17 they're all important.

18 Do not discuss this case with anyone. And I
19 promise you, Ladies and Gentlemen of the Jury, you're going
20 to hear that same instruction from me throughout the next
21 seven or eight days more times than you care to hear it
22 because it is absolutely vital and essential to the entire
23 process that we're about to begin that the jury make its
24 decision after the close of the trial based solely and only
25 on the evidence that comes into this courtroom under oath

1 from witnesses on that witness stand and from the documents
2 and other exhibits that the Court admits into evidence.

3 Those must be the only two sources of information
4 that you base your decisions on. Therefore, it is absolutely
5 vital that you not communicate with anyone about this case.

6 Also, and in very much the same way, it is
7 absolutely essential that you not communicate with each other
8 about this case. Only after all the evidence is in and I
9 instruct you to retire to the jury room to deliberate on your
10 verdict, only then may you discuss the case among yourselves.

11 So you cannot discuss the case with each other and
12 you cannot discuss the case with anyone.

13 When you go home tonight, that will be one of the
14 most vulnerable times because wherever you live, if there's
15 somebody there when you walk in the door, the first question
16 you're going to get is, well, what happened in federal court
17 today?

18 Don't try to answer that question because if you
19 even try to answer it, you're almost invariably going to
20 violate my instruction to you. Just say that Judge Gilstrap
21 told me not to discuss the case with anyone, and I don't want
22 him to be angry at me. I'm going to follow his instructions,
23 so I just can't answer that question. Just don't even go
24 there.

25 Also, Ladies and Gentlemen, when I tell you not to

1 talk about the case with anyone or communicate about the case
2 with anyone, that means not only verbal communications, but
3 that means electronic communications, emails, instant
4 messages, tweets, Facebook postings. Any of you that are on
5 social media, do not post or comment online in any shape,
6 form, or fashion about your jury service or this case at all.

7 Communication means any and all forms of
8 communication: oral, written, electronic. Any way that you
9 can communicate, do not communicate about the case. That is
10 absolutely critical and important.

11 If for any reason any of you receive any
12 information that does not come solely and only from the sworn
13 testimony of the witnesses and the exhibits that I admit into
14 evidence, then we risk having wasted all the time that's been
15 put into this case. That's why this is so critical and why I
16 emphasize it so much.

17 And that's why every time you get up to have a
18 recess, every time you get up to go to lunch, every time you
19 get up to go home over the next several days we try this
20 case, you're going to hear that same instruction from me.

21 And I do it because it is absolutely vital and
22 critical, and I want to stress the importance of it every way
23 I can.

24 Also, you're not at any time to attempt to do any
25 research about any of the parties, any of the issues,

1 anything at all related to this case. Don't go home at night
2 and get on your computers and Google Core Wireless or Apple
3 or any of these lawyers. Do not attempt to do any research
4 at all.

5 And if you don't -- if you don't Google, don't go
6 to the public library and look it up in an encyclopedia.
7 Don't do it the old-fashioned way. Don't do any research
8 whatsoever about anything or anybody related to this lawsuit.
9 That, too, would jeopardize everything that we've done so
10 far.

11 Also, I don't think this will happen, but this is
12 an important case and it is a possibility. Now, that you are
13 the selected and sworn as the jury in this case, it is
14 possible -- though I think it's not likely -- it is possible
15 some third party could approach you at someplace and try to
16 influence you or encourage you or communicate with you about
17 what decision you might ultimately reach in this case.

18 That, if it happens, is highly improper and very
19 well may be criminal. So though I say it's unlikely, if at
20 any time before you've been discharged by me as jurors in
21 this case, if anybody tries to influence you in any way or
22 you even perceive that they may be trying to influence you in
23 any way, then I'm instructing you to advise the Court
24 immediately through the Clerk's Office and the staff here and
25 I will deal with it.

1 Again, I don't think it's likely, but it is within
2 the realm of possibility. And now that you're the jury in
3 this case, you need to be aware of it.

4 And lastly, Ladies and Gentlemen, during this week
5 and a few days it's going to take to try the case, there will
6 be times when you are on recess that you are in the building,
7 and there are also at the beginning of each day and the end
8 of each day, you'll be coming and going through the building.

9 There invariably are going to be times that in
10 hallways, on the front steps, in the parking lot you're going
11 to pass or come close to one or more of the lawyers in this
12 case, one or more of the witnesses in this case, one or more
13 of the corporate representatives in this case.

14 What I'm instructing you to do is just don't talk
15 to them at all. And by the same token, I want you to
16 understand that I've instructed them not to attempt to talk
17 to you.

18 So if you come in one morning and one of these
19 lawyers walks right by you and doesn't smile, doesn't nod,
20 doesn't say good morning, doesn't say how are you, doesn't
21 say it's a pretty day outside today, do not think they're
22 being rude. Do not think they're being mean or -- or
23 thoughtless or -- or anything else negative. They are simply
24 doing what the Court has instructed them to do.

25 So when they walk by you in the hallway or in the

1 front steps or anywhere else and they don't engage in any
2 conversation or communicate in any way, that's simply because
3 I've instructed them to do that and they are simply doing
4 what I've told them to do. So don't hold that against them
5 in any way, shape, form, or fashion.

6 All right. Ladies and Gentlemen, with those
7 instructions, I'm going to allow you to recess. Lunch will
8 be served to you in the jury room.

9 It is right at 12:00 o'clock noon. We'll attempt
10 to have you back in here in about 40 or 45 minutes, and then
11 we'll begin with my preliminary instructions and opening
12 statements from the attorneys.

13 With those instructions, Ladies and Gentlemen,
14 you're excused for lunch at this time.

15 COURT SECURITY OFFICER: All rise for the jury.

16 (Jury out.)

17 THE COURT: All right. Counsel, we stand in recess
18 for lunch. We'll convene at a quarter until 1:00. Court's
19 in recess.

20 (Lunch recess.)
21
22
23
24
25

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of our abilities.

/s/ _____

SHEA SLOAN, CSR, RPR

March 9, 2015

Official Court Reporter

State of Texas No.: 3081

Expiration Date: 12/31/16

/s/ _____

SHELLY HOLMES, CSR, TCRR

Deputy Official Court Reporter

State of Texas No.: 7804

Expiration Date 12/31/16